

**LAWS & RULES AGENDA  
JUNE 2021**

**NEW BUSINESS**

- 1 – Ethics Code – Allen Nace
- 2 – Record of Activities for Standard Work Day – E. Tinti
- 3 – Prohibit Parking at EV Stations – J. Noble \*
- 4 – Anti-Idling Policy – J. Noble \*
- 5 – Amend Code to change “Freon” to “Refrigerant” – J. Noble
- 6 – Sojourner Truth Day – YMCA Farm Project

**OLD BUSINESS**

- 1-Accessory Dwellings
- 2-Short Term Rentals
- 3-Banning ATVs- Chief Tinti





## City of Kingston Board of Ethics

L+R

Allen Nace, *Chair*

Michael Decker

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April 15, 2021

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

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

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

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

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

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

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

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

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



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

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

It is suggested that the entire code be reviewed.

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

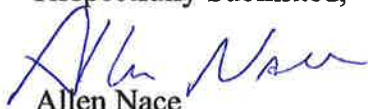
This is what we believe is a needed, important task that a diverse group of trusted residents can help define. It is hoped that it will be a living document and that there is language that may provide appropriate judgement opportunity without being too restrictive or too loose.

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

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

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

Respectfully Submitted,



Allen Nace

City of Kingston

Board of Ethics - Chair



# CITY OF KINGSTON

L+R

## Office of the City Clerk & Registrar of Vital Statistics

cityclerk@kingston-ny.gov

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



Deidre Sills, Deputy Clerk  
Susan Mesches, Deputy Registrar

May 20, 2021

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

Dear President Shaut,

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

Thank you,  
Elisa Tinti

A handwritten signature in black ink, appearing to read "Elisa Tinti", is written over the typed name.





(L+R)

**Tinti, Elisa**

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

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon,

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

You will find:

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

Please let me know if you have any questions.

Thanks,  
Julie

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



**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Office of Sustainability

DATE: May 25, 2021

Description: \_\_\_\_\_

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

Signature: *Julie L Noble*

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required: \_\_\_\_\_

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action \_\_\_\_\_

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

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



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

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

May 26, 2021

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

Dear President Shaut,

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

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

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

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

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

Thank you for your consideration.

Sincerely,

Julie L. Noble

Sustainability Coordinator



# STATE OF NEW YORK

8608

2019-2020 Regular Sessions

## IN ASSEMBLY

October 2, 2019

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

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

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

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

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

LBD13759-02-9

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

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

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

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



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

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

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

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

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

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



## Tinti, Elisa

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

Good morning,

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

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

Thank you,  
Julie

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



L+R

**Tinti, Elisa**

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

Good afternoon,

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

You will find:

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

Please let me know if there are any questions.

Thanks,  
Julie

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





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

May 12, 2021

City of Kingston Common Council  
420 Broadway  
Kingston, NY 12401

To the City of Kingston Common Council:

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

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

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

This resolution will work toward these goals and recommendations.

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

Respectfully,  
Members of the City of Kingston Conservation Advisory Council







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

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

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

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

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

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

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

2. **2030 Climate Action Plan (Julie):** The Chairperson discussed the survey results reviewed on April 20<sup>th</sup>. 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/climatesmarkingstonny/>

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

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

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

DRAFT



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

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

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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 (CO<sub>2</sub>), 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 CO<sub>2</sub>. One-third of greenhouse gas emissions come from the transportation sector alone, and studies show that idling for more than 10 seconds uses more fuel and emits more pollution than turning the engine on and off again. Idling regulations are crucial to the climate action process and are a simple way to provide equitable access and a clean and healthy environment for all residents in Kingston.

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

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

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

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 28<sup>th</sup>, 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](mailto:agartenstein@kingston-ny.gov). Additionally, I can be present at the appropriate meeting in order to answer any questions and address any comments.

Thank you for your consideration.

Sincerely,

Julie L. Noble  
Sustainability Coordinator

## New York

### State Codes

#### **New York Code of Rules and Regulations**

##### SUBPART 217-3. IDLING PROHIBITION FOR HEAVY DUTY VEHICLES

###### § 217-3.1 Applicability

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

###### § 217-3.2 Prohibitions

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

###### § 217-3.3 Exceptions

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

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

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

**Municipal Codes**

**Code of Town of Brighton**

§ 104-2. Prohibited odors.

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

**Code of the Village of Bronxville**

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

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

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



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

§ 210-16. Enforcement.

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

### **Code of Town of Clifton Park**

§ 145-1. Findings and intent.

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

§ 145-2. Definitions.

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

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

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

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

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

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

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

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

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

§ 145-4. Violations.

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

§ 145-5. Penalties for offenses.

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

**Code of the Village of Flower Hill**

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

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

**City of Ithaca Code**

§ 346-48. Vehicle idling

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

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

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

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

- (1) The motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control.
- (2) Regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in Subsection B of this section may be increased, but only to the extent necessary to comply with such regulations.
- (3) The engine is being used to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; or farming, or operation of the engine is required for the purpose of maintenance.
- (4) Fire, police and public utility trucks or other vehicles are actually performing emergency services.

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

### **Code of Village of Lawrence**

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

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

### **Town of Mamaroneck Code**

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

§ 219-1. Idling restricted.

- A. No person shall allow, cause or permit the engine of any motor vehicle to run for more than five consecutive minutes while parking, standing, or stopping on public or private property in the unincorporated portion of the Town of Mamaroneck.
- B. This section shall not apply to public utility companies, the United States of America, the State of New York, the County of Westchester, the Town of Mamaroneck, the Mamaroneck Union Free School District or the Villages of Larchmont, Mamaroneck

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

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

### **Village of Mamaroneck Code**

§ 326-19. Engine idling prohibited.

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

### **Code of Town of Milton**

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

§ 169-8. Findings and intent.

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

§ 169-9. Definitions.

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

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

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

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

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

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

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

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

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

§ 169-11. Violations; issuance of citations.

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

§ 169-12. Penalties for offenses.

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

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

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

### **Code of the City of New Rochelle**

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

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

### **New York City Administrative Code**

34 RCNY § 4-08

§ 4-08 Parking, Stopping, Standing.

...

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

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

### **Code of Town of North Salem**

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

§ 220-31. Idling of motor vehicles restricted.

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

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

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

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

### **Code of Village of Northport**

#### **§ 289-1. Legislative findings.**

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

#### **§ 289-2. Idling restrictions; exceptions.**

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

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

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

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

Code of Village of Nyack

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

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

**Code of Village of Port Chester**

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

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

**Code of Town of Queensbury**

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

§ 68-1. Title and authority.



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

§ 68-2. Legislative intent.

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

§ 68-3. Definitions.

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

§ 68-4. Prohibition.

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

§ 68-5. Enforcement.

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

**Code of the City of Rye**

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

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

**Code of the Village of Scarsdale**

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

§ 106-1. Idling of engines restricted.

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

§ 106-2. Bus engines restricted.

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

§ 106-3. Violators issued appearance tickets.

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

**Code of Town of Somers**

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

§ 158-29. Restrictions.

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

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

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

§ 158-30. Appearance tickets.

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

§ 158-31. Penalties for offenses.

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

### **Laws of Suffolk County**

§ 760-1017. Operation of motor vehicles.

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

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

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

D. Exceptions

- (1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.
- (2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.
- (3) When necessary to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming or when the vehicle engine is being serviced.
- (4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

### **Code of Ordinances of the Village of Tuckahoe**

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

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

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

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

...

§ 21-104.2. Prohibited uses

...

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

### **Code of City of Yonkers**

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

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

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

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

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

SECTION I.

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

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

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



**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: <u>Office of Sustainability</u>	DATE: <u>May 25, 2021</u>
Description: _____	
_____	
<u>Legislation to prohibit the idling of light and medium duty vehicles for more than ten minutes in the City of Kingston.</u>	
_____	
_____	
_____	
_____	
_____	
_____	
Signature: <u>Julie L Noble</u>	

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required: \_\_\_\_\_

SEQRA Decision:  
 Type I Action \_\_\_\_\_  
 Type II Action \_\_\_\_\_  
 Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

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





L+R

**Tinti, Elisa**

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

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon,

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

You will find:

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

Please let me know if there are any questions.

Thanks,  
Julie

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



**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: <u>Office of Sustainability</u>	DATE: <u>May 25, 2021</u>
Description: _____	
_____	
<u>Ordinance to amend the City Code and Fee schedule to change all instances of the brand name "Freon" to the substance name "refrigerant"</u>	
_____	
_____	
_____	
_____	
_____	
_____	
Signature: <u><i>Julie L Noble</i></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: \_\_\_\_\_

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



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

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

May 26, 2021

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

Dear President Shaut,

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

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

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

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

Thank you for your consideration

Sincerely,

Julie L. Noble

Sustainability Coordinator

Chair, Climate Smart Kingston Commission



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

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

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

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

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

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

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





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.



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

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## OLD BUSINESS



## 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.



*City of Kingston, NY  
Monday, April 19, 2021*

## Chapter 277. Hotels, Motels, Inns, Rooming Houses and Boardinghouses

[HISTORY: Adopted by the Common Council of the City of Kingston 12-7-2010 by L.L. No. 9-2010, approved 12-16-2010. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Zoning — See Ch. **405**.

## Article I. Licensing

### § 277-1. License required.

It shall be unlawful, without obtaining a license from the City Clerk, for any person, firm or corporation, either as owner, tenant or agent, to run, operate or maintain in the City of Kingston, a hotel, motel, inn, boardinghouse, lodging house, rooming house, association, club or any building used in the business of renting rooms or furnishing meals with accommodations for more boarders than allowed in a single-family dwelling as set forth in Chapter **405**, Zoning, of the City of Kingston.

### § 277-2. Application for license; petition for relief from license.

- A. All applications for licenses or renewals thereof shall be made in writing, in duplicate, containing the information called for, on forms furnished by the Building Inspector/Code Enforcement Officer, and shall be sworn to by the applicant or his or its duly authorized agent or representative. Notwithstanding the foregoing, the applicant is specifically required to represent on the application the maximum occupancy limits of each room or dwelling unit offered for public occupancy.
- B. Petition for relief from license. Any person or corporation, either as owner, tenant or agent seeking to operate or maintain a facility listed under Chapter **277** or Chapter **405** within the City may submit a petition to the City of Kingston requesting relief from the requirement to gain a license before allowing occupancy of said facility. Such petition shall be subject to approval by the City of Kingston, and no occupancy shall be allowed without a license unless approval of the City of Kingston has been previously obtained.
  - (1) The City of Kingston, in making a determination to grant relief to a person or corporation acting as owner, tenant or agent, may consider in reaching a decision on such request any item that the City of Kingston deems appropriate including, but not limited to the following, whether the occupant is a victim of displacement of his/her primary residence due to fire,

flood or other catastrophe; whether the occupancy will be temporary in nature; whether the occupant is acting in the capacity of property manager of the facility; whether the occupant is an immediate family member of the owner, tenant or agent in control of the facility, etc. The City of Kingston may also consider such other terms and conditions as the City deems appropriate.

- C. Applications under this section are required for all facilities in existence at or prior to the adoption of this chapter by the City of Kingston, as well as all facilities that arise any time thereafter.

### § 277-3. Inspection; keeping of register required.

No license shall be issued or renewed except after the application has been investigated and the premises inspected by the Building Inspector/Code Enforcement Officer and except where the applicant keeps and maintains, and agrees during the term of the license to keep and maintain in the entrance hall, lobby or reception room, a bound register with pages numbered consecutively, in which shall be plainly written in the English language:

- A. The name of each guest spending the night or taking a room.
- B. The permanent residence of said guest.
- C. The hour of the day, month and year at which such guest arrived and departed from the premises in question and the number of the room assigned to each guest.

### § 277-4. Term of license.

No license shall be issued or renewed for a longer period than one year, and all licenses shall expire on December 31 of each year. All applications, properly filled out, must be filed at least 30 days before the applicant intends to commence operations.

### § 277-5. Sanitary requirements.

No license shall be issued except where the applicant has satisfied the Building Inspector/Code Enforcement Office, after inspection by him, that toilet and sewerage facilities are adequate and proper for taking care of the number of guests for which the applicant proposes to take out a license, and that an adequate supply of potable and wholesome drinking water is at all times available, and hot water for bathing and dishwashing; also that the building is structurally safe and properly protected from fire, and that the rooms are adequate as to size and ventilation.

### § 277-6. Revocation of license.

- A. Any and all licenses or renewals thereof issued hereunder may be revoked by resolution of the City of Kingston upon proof being made to its satisfaction that any of the terms and conditions under which such license is issued have been violated, or that any statements made in the application are false. In case of revocation, no license fee will be returned. Before the City of



Kingston revokes any such license, it will be required to give the licensee five days notice of a hearing, which notice may be service by mail on the licensee at the address designated on the application upon which the license or renewal was issued. Where a license has once been revoked, no further license for the same premises shall be issued until the owner or owners of said premises satisfy the City of Kingston that the cause of the revocation of said license has been removed and that said premises in the future can and will be operated in compliance therewith.

- B. Any and all licenses or renewals thereof may also be revoked by the City of Kingston upon proof being made to its satisfaction that the owner, manager and/or agent of the hotel, motel, inn, boardinghouse has, with or without actual knowledge or intent, permitted the occupancy of any building, room or part thereof by the same guest, customer, invitee, or permittee for more than 30 consecutive days or 90 days total in any individual calendar year, whichever comes first, under the same revocation proceedings as set forth previously in this section.

## § 277-7. Display of license.

All licenses issued hereunder must be permanently displayed under glass over the desk or table where the register is kept.

## § 277-8. Penalties for offenses.

- A. Every violation of this chapter shall be punished by a fine of \$200 for each offense. Each day that the premises are operated in violation of this chapter constitutes a separate and distinct offense, requiring the payment of a separate, additional fine.
- B. In addition, to the penalty above provided, the City of Kingston also ordains that a violation of this chapter shall constitute disorderly conduct and that the person violating the same shall be a disorderly person.

## § 277-9. Further enforcement procedure.

The City of Kingston may also enforce obedience to this chapter and restrain violations thereof by injunction and may proceed against all violators hereof by any and every other means or method provided by law, although not herein specifically referred to.

## § 277-10. Legislative authority.

This chapter is enacted by authority of (§ 20, Subdivision 5 of the Municipal Home Rule Law) and any other law referenced herein as authority herefor.

## § 277-11. Definitions.

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

**BED-AND-BREAKFAST**

A residential establishment where rooms are rented to transient nonpermanent guests, on a short-term basis, with breakfast being the only meal served to said guests.

**BOARDINGHOUSE**

A private dwelling in which at least three rooms are offered for rent and table board is furnished only to roomers and in which no transients are accommodated. A rooming house or a furnished room house shall be deemed a "boardinghouse."

**HOTEL or MOTEL**

A building which has transient living and sleeping accommodations for rent for five or more persons and which is open for year-round occupancy; a "hotel" or "motel" shall include similar establishments designated as auto courts, tourist cabins, etc.

**INN**

A building which has transient living and sleeping accommodations for rent for at least five or more persons but no more than 10 persons.

**TRANSIENT LIVING**

A guest or customer of a hotel or motel the nature of which the term of stay is limited to no more than 30 consecutive days or 90 total days in any individual calendar year.

## Article II. Crime Property

### § 277-12. Specified crime property prohibited.

- A. It is unlawful for any hotel, motel, inn or boardinghouse to be employed or used as a specified crime property within the City of Kingston. If such a building is found to be used or employed in violation of this section, it is subject to closure for a period up to one year.
- B. It is unlawful for any person to employ, use, maintain or allow the employment, use or maintenance of hotels, motels, inns or boardinghouses under their ownership and/or control as specified crime property. If a person found in violation of this subsection, he or she is subject to civil penalties of up to \$500 per day for each day the property has been so employed, used or maintained.
- C. It is unlawful for any person to use or occupy any structure determined to be specified crime property after service of notice has been made pursuant to § 277-15.
- D. The provisions of Subsection C may be waived in the City of Kingston in the event that the Chief of Police or a court of competent jurisdiction determines that exigent circumstances are such that the use or occupancy of the structure prior to a full court hearing is mandated.
- E. An occupant who fails to voluntarily cease the use or occupancy of a structure as required by Subsection C may be removed only pursuant to a court order after notice and an opportunity to be heard by the court having jurisdiction of an action brought pursuant to this chapter.

### § 277-13. Definitions.

As used in this chapter, the following terms have the meaning given them in this section:

### **CHIEF OF POLICE**

As used in this chapter, includes any person designated by the City of Kingston Chief of Police as his or her delegate in the enforcement of this chapter.

### **OWNER**

Any person, agent, firm, corporation, association or partnership, including:

- A. A mortgagee in possession in whom is vested:
  - (1) All or part of the legal title to property; or
  - (2) All or part of the beneficial ownership and a right to present use and enjoyment of the premises; or
  - (3) An occupant of that structure.

### **PERSON**

Any natural person, association, partnership or corporation capable of owning or using property in the City of Kingston.

### **SPECIFIED CRIME PROPERTY**

Any kind of hotel, motel, inn, boardinghouse or unit(s) thereof where activity involving the unauthorized delivery or manufacture of a controlled substance as defined in the Public Health Law, gambling as defined in the Penal Law or prostitution as defined in the Penal Law has occurred or is occurring.

## **§ 277-14. Procedure for closing of structures.**

- A. When the Chief of Police believes that a structure has been or is being used or maintained in violation of § 277-13, the Chief of Police may commence proceedings to cause the closure of the structure as well as the imposition of civil penalties against any or all of its owners. Except in cases brought pursuant to § 277-17, in the event that the Chief of Police wishes to commence proceedings:
  - (1) The Chief of Police shall notify the owner(s) of record, in writing, that the structure has been determined to be specified crime property. The notice shall contain the following information:
    - (a) The street address and a legal description sufficient for identification of the premises on which the structure is located;
    - (b) A statement of the Chief of Police has found the structure to be in violation of this chapter with a concise description of the conditions leading to his or her findings;
  - (2) A copy of the notice shall be served on the owner and/or his or her agent, if known, at least 10 days prior to the commencement of any judicial action by the City. Service shall be made either personally or by mailing a copy of the notice by registered or certified mail, postage prepaid, return receipt requested, to each person at his or her address as it appears on the last assessment roll as well as on the last instrument of conveyance as

recorded in the County where the structure is located and as may be otherwise known to the Chief of Police. If no address appears or is known to the Chief of Police, then a copy shall be mailed first class, postage prepaid, addressed to such person at the address of the structure believed to be specified crime property.

- (3) A copy of the notice shall be served on the occupant of the structure if that person is different than the owner and shall occur not less than five days prior to the commencement of any judicial proceeding and be made either personally or by mailing a copy of the notice by first class mail, postage prepaid, to them at the structure. Furthermore, a copy of the notice may be posted at the property if 10 days has elapsed from the service or mailing of the notice to the owner(s) and no contact has been received by the City from them during that period of time.
- (4) The failure of any person or owner to receive actual notice of the determination by the Chief of Police shall not invalidate or otherwise affect the proceedings under this chapter.

B. Concurrent with the notification procedures set forth above, the Chief of Police shall send a copy of the notice to the Common Council as well as any other documentation which he or she believes supports the closure of the structure and the imposition of civil penalties. The Common Council may then authorize the City's Corporation Counsel to commence civil proceedings in a court of competent jurisdiction seeking the closure of the structure as well as the imposition of civil penalties against any or all owners thereof and any such other relief as may be deemed appropriate. Nothing contained in this subsection shall be construed to limit the ability of the Council prior to the institution of judicial proceedings to enter into agreements with an owner willing to voluntarily abate the condition(s) giving rise to the violation.

## § 277-15. Commencement of actions; burdens of proof; defenses; mitigation of civil penalty.

- A. Except in a proceeding under § 277-17 if, after the commencement but prior to the trial of an action brought by the City pursuant to this chapter, an owner specifically stipulates with the City that he or she will pursue a course of action as the parties agree will necessarily abate the conditions giving rise to the violation(s), the City shall agree to stay proceedings for a period of not less than 10 nor more than 60 days. The owner or the City will thereafter petition the court for such additional like periods of time as may be necessary to complete the action(s) contemplated by the stipulation. However, in the event that the City reasonably believes the owner is not diligently pursuing the action(s) contemplated by the stipulation, it may then apply to the court for a release from the stay seeking some relief as is deemed appropriate.
- B. In an action seeking the closure of a structure as specified crime property, the City shall have the initial burden of proof to show by a preponderance of the evidence that the structure is a specified crime property.
- C. In an action seeking civil penalties from an owner, the City shall have the initial burden of proof to show by a preponderance of the evidence that the owner had knowledge of activities or conditions at the structure constituting a violation of this chapter.
- D. In any action brought to enforce the terms of § 277-13, evidence of a structure's general reputation and the reputation of persons residing in or frequenting it shall be admissible as

competent.

- E. Except in an action brought pursuant to § **277-17B**, it is a defense to an action seeking the closure of a structure that the owner of a structure at the time in question could not, in the exercise of reasonable care or diligence, determine that the structure was being used or maintained as a specified crime property.
- F. In establishing the amount of any civil penalty requested, the court may consider any of the following factors, as they may be appropriate, and shall cite those found applicable:
  - (1) The actions taken by the owner(s) to mitigate or correct the problem at the structure;
  - (2) The financial condition of the owner(s);
  - (3) Whether the problem at the structure was repeated or continuous;
  - (4) The magnitude or gravity of the problem;
  - (5) The economic or financial benefit accruing or likely to accrue to the owner(s) as a result of the conditions at the structure;
  - (6) The cooperativeness of the owner(s) with the City;
  - (7) The cost to the City of investigating and correcting or attempting to correct the condition;
  - (8) Any other factors deemed by the court to be relevant.

## § 277-16. Closure during pendency of action; emergency closure.

- A. In the event that it is determined that the structure is an immediate threat to the public safety and welfare, the City may apply to the court for such interim relief that is deemed by the Common Council and the Corporation Counsel to be appropriate. In such an event, the notification procedures set forth in § **277-15A** and the limitation of § 227-16A need not be complied with.
- B. In the event that the Chief of Police determines that a structure is or has been used as the locale for the manufacture of controlled substances that involve the use of toxic, flammable or explosive substances as defined in 49 CFR 172 (1988) and/or processes that, in the opinion of the Police Department or the Fire Department personnel, present a continuing threat to the public's safety or welfare, the City may obtain an order from the court preventing that structure's use or occupancy for a period of 60 days.
  - (1) No person shall enter the structure during the first 20 days of this sixty-day period without first obtaining the prior written approval of the City or an order of the court. After the expiration of this twenty-day period, the owner may enter the structure to clean and decontaminate it in accordance with guidelines established by the Health Department.
  - (2) After cleaning and/or decontaminating the structure, the owner shall attest in writing on a form to be provided by the City and sent to the Chief of the Fire Department that the

structure has been cleaned and/or decontaminated in accordance with the guidelines, at which time the structure may be reused or reoccupied, provided that it is not otherwise subject to the provisions of this chapter.

- (3) In the event that the owner fails to comply with the provisions of the subsection (above), the City may seek an order preventing the use or occupancy of the structure for such further time as, under the circumstances, it deems appropriate, unless the owner shows to the satisfaction of the court that the structure no longer presents a continuing threat to the public's safety or welfare from the toxic, flammable or explosive substances and/or processes.

## § 277-17. Enforcement of closure order; costs; civil penalty.

- A. In the event that a court finds that a structure constitutes specified crime property as defined in this chapter, the court may order that it be closed for any period of up to one year and that the owner(s) pay to the City a civil penalty of up to \$500 per day the owner had knowledge of activities or conditions at the structure constituting a violation of this chapter.
- B. The court may also authorize the City to physically secure the structure against use or occupancy in the event that the owner(s) fail to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to effect a closure shall be made an assessment lien upon the property. As used in this subsection, "costs" means those costs actually incurred by the City for the physical securing of the structure, as well as tenant relocation costs given pursuant to Subsection **B(3)** of this section.
  - (1) The City department(s) effecting the closure shall prepare a statement of costs, and the City shall thereafter submit that statement to the court for its review. If no objection to the statement is made within 30 days, a certified copy of the statement, including legal description of the property shall be forwarded to the City Assessor, who thereafter shall enter the same in the City's lien docket.
  - (2) Liens imposed by this chapter shall be collected in all respects as provided for water and sewer liens and shall bear interest at the rate of 9% per year from 10 days after the entry in the lien docket.
  - (3) A tenant defined by the Real Property Tax Law is entitled to his or her reasonable relocation costs as those are determined by the City, if without actual notice the tenant moved in the structure after either:
    - (a) An owner or agent received notice of the Chief of Police's determination pursuant to § 277-15A; or
    - (b) An owner or agent received notice of an action brought pursuant to § 277-19.
  - (4) Any person who is assessed the costs of closure and/or a civil penalty by the court shall be personally liable for the payment thereof to the City.

## § 277-18. Relief from closure order.

Owners of a structure determined to be specified crime property may obtain relief from the court's judgement if:

- A. They appear and pay all costs associated with the proceedings under this chapter;
- B. They file a bond in such a place and form as the court may by order direct in an amount not less than the tax-assessed value of the structure; and keep said bond in force for a period not less than one year or such period as the court directs;
- C. They enter into a stipulation with the City that they will immediately abate the conditions giving rise to the specified crime property and prevent the same from being established or maintained thereafter. The stipulation will then be made part of the court's file. In the event that the owner violates the terms of the stipulation, the City may thereafter apply to the court for an order awarding up to the entire amount of the aforementioned bond to the City as a penalty as well as other relief including closure for any additional period of up to one year, that is deemed by the court as appropriate.

## § 277-19. Attorney fees.

In any action seeking the closure of the structure pursuant to this chapter, the court may, in its discretion, award attorney's fees to the prevailing party.





The background of the slide features a blurred image of hands typing on a laptop keyboard. Overlaid on this image is a semi-transparent digital interface with various data visualization elements, including a line graph, a bar chart, and a network diagram with nodes and connecting lines. The overall color palette is a mix of light blues, purples, and greys, giving it a modern, tech-oriented feel.

# Host Compliance

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Kingston

Bruce McCaskill  
March 2021

Cost-effective solutions to Kingston's short-term rental registration,  
compliance monitoring, fraud, audit and enforcement challenges



March 2021

# Agenda Today

1 Introductions

2 Kingston and the Market Context

3 The Granicus Host Compliance Solution

4 Discussion and Next Steps

# Granicus Overview



## 4,500+ Government Agencies

have chosen Granicus to modernize their online services, web presence, and communications strategies.



## Seamless Digital Solutions

that help government: improve the customer experience, simplify/automate workflows, and enable strategic community development



## Short-Term Rental Software & Services

Compliance and Monitoring Software  
Proprietary and Updated Data  
Consulting and Advising Services



Subscriber Network  
network of 200M citizen subscribers



### govAccess

Transactional websites designed for today's citizen



### govService

Online citizen self-service solutions & operations automation



### govMeetings

Meeting agendas, video and boards management



### govDelivery

Targeted email, text and social media communications



### govRecords

Paperless records management



## Granicus Experience Group

A strategic team of experts delivering managed services

# In New York we are currently partnering with 11 local agencies to address their STR related challenges

- Shelter Island, NY
- Jewett, NY
- North Elba, NY
- Fallsburg, NY
- Franklin County NY
- Fulton County NY
- Dutchess County NY
- Ulster County NY
- Seneca County NY
- Clinton, NY
- Lake George, NY

## **In the broader Mideast** we are already serving 27 forward-thinking local government agencies

- Vernon Township, NJ
- Shelter Island, NY
- Jewett, NY
- North Elba, NY
- Fallsburg, NY
- Paradise, PA
- Jersey City NJ
- Franklin County NY
- Fulton County NY
- Bradley Beach NJ
- Asbury Park NJ
- Dutchess County NY
- Prince George's County MD
- Montgomery County, MD
- Ventnor City NJ
- Dorchester County MD
- Ulster County NY
- Seneca County NY
- Clinton, NY
- Talbot County MD
- Bucks County PA
- Lake George, NY
- Lewes, DE
- Annapolis, MD
- East Stroudsburg, PA
- Atlantic City, NJ
- Mount Joy, PA



**On average our 360 clients** rate Granicus Host Compliance 9.5 out of 10\* and highly recommend us to other local governments



City Of  
**ASBURY PARK**  
New Jersey

*"Our use of the Host Compliance product has effectively assisted our City's enforcement department in streamlining the process of identifying property owners who were not compliant with our City's regulations regarding short term rentals."*

**ROOST**

*"It's very important we are proactive in this area. It really is not fair when some people are paying the tax and others do not. [Before Host Compliance] a critical tool was inadvertently left out of the tool-box!"*



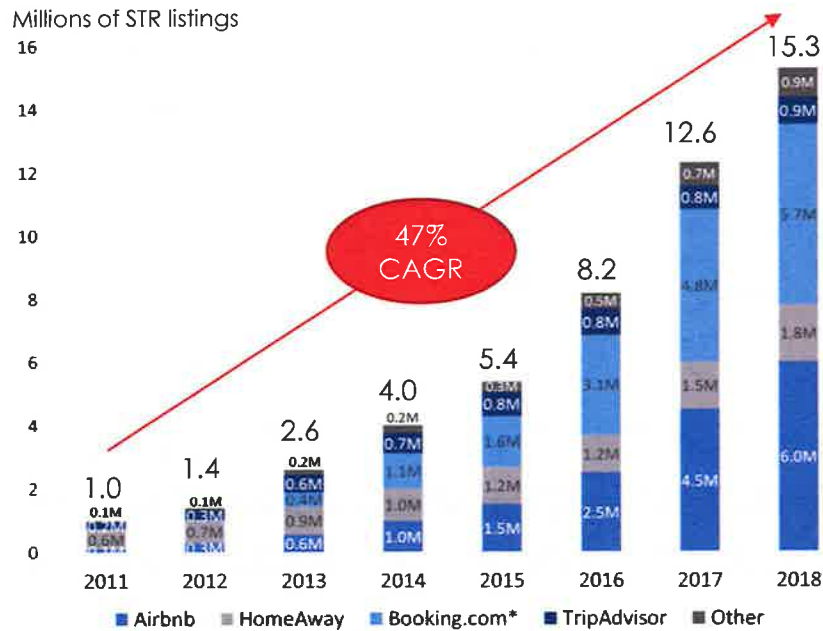
## What are Kingston's most important goals as it relates to short-term rentals?

1. Reduce noise, parking, traffic and trash-problems
2. Eliminate party houses
3. Reduce STR's impact on neighborhood character
4. Ensure building safety
5. Improve City's responsiveness to neighbor complaints
6. Stem STR's negative impact on affordable housing availability
7. Improve permit and tax compliance to increase tax revenue
8. Ensure a level playing field between law abiding traditional lodging providers and illegal short-term rentals
9. Reduce tension between short-term rental property owners and their neighbors
10. Send a clear message to citizens that the City takes the STR problems seriously
11. Other?



# The global short-term rental market has grown 1,530% since 2011 and continues to grow at a breakneck pace

The # of short-term rental listings has grown 15x since 2011



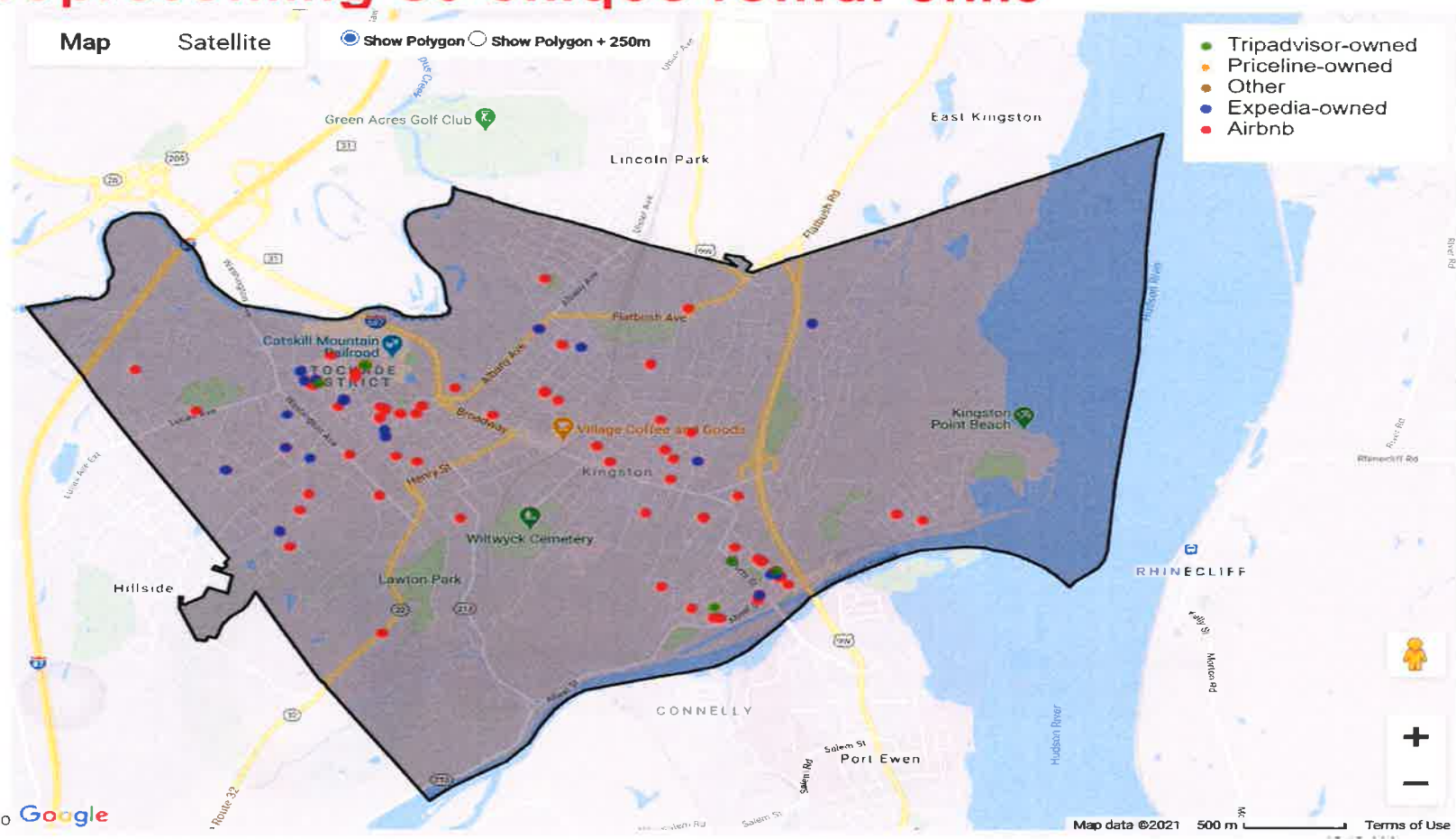
Sources: AirBnB, Expedia, TripAdvisor, Booking.com and Tripping.com

Market is fragmenting



125+ other web platforms

# ...and in Kingston we have identified 125 listings, representing 86 unique rental units\*

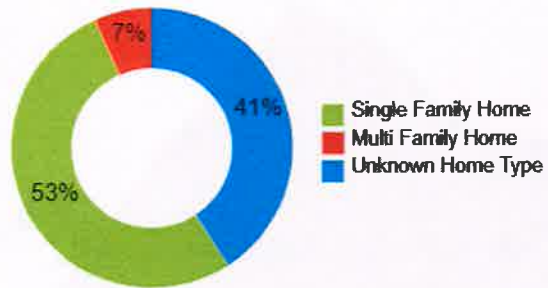


# Kingston Data Details

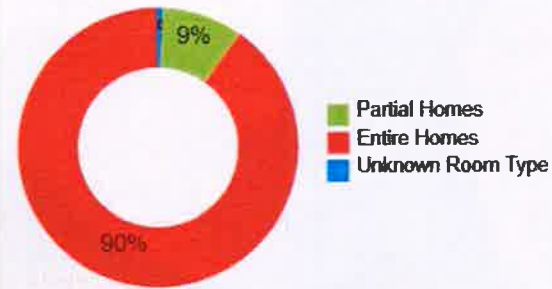
Median Nightly Rate  
(USD)

**\$249**

Listing Types

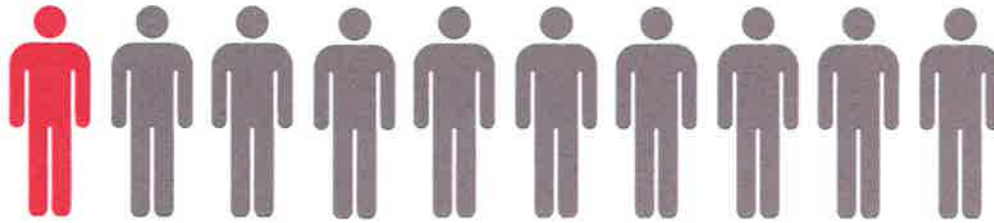


Unit Types



**Without proper enforcement,** only a fraction of short-term rentals will get registered and pay their fair share of taxes

In General Less Than 10% Of STR Owners Voluntarily Get Registered And Pay All Of Their Taxes



Large potential for increasing permit/license/registration fee income and tax revenues

# Manual compliance monitoring and enforcement is ineffective and expensive

- ✓ Rental property listings are spread across 100s of different websites
- ✓ Manually monitoring 100s of properties is practically impossible as listings are constantly added, changed or removed
- ✓ Address data is hidden from listings making it time-consuming or impossible to locate the exact properties and identify owners
- ✓ It is practically impossible to collect taxes as there is no easy way to find out how often the properties are rented and for how much
- ✓ The vacation rental platforms refuse to provide the detailed data necessary for enforcing local Ordinances
- ✓ Manual compliance monitoring and complaint-based enforcement often leads to claims of selective enforcement

# **Accelerate progress irrespective** of where Kingston is in the process of adopting and implementing effective short-term rental regulations

## **Pre-Ordinance**

- Detailed local market data
- Online Ordinance Assistant tool
- Free webinars
- Guide To Effectively Regulating Short-term Rentals On The Local Government Level
- APA Short Term Rental Online Course
- Peer Introductions
- Free draft review
- Consulting and facilitation

## **Post-Ordinance**

- Mobile-Enabled Online Permitting / Registration
- Address Identification
- Compliance Monitoring
- Rental Activity Monitoring
- Tax Collection
- Tax Audit Automation
- 24/7 Hotline



# The Granicus Host Compliance solution can address all Kingston's short-term rental related challenges



## Mobile-Enabled Registration and Tax Collection:

Mobile/web forms and back-end systems for streamlining registration and tax collection processes and capturing required documentation, signatures and payments electronically



## Address Identification:

Automated monitoring of 50+ STR websites and online dashboard with complete address information and screenshots of all identifiable STRs in Kingston's jurisdiction



## Compliance Monitoring:

Ongoing monitoring of STRs for zoning and permit compliance coupled with systematic outreach to illegal short-term rental operators (using Kingston's form letters)



## Rental Activity Monitoring and Tax Calculation Support:

Ongoing monitoring of Kingston's STR listings for signs of rental activity. Enables data-informed tax compliance monitoring and other enforcement practices that require knowledge of STR activity level



## Dedicated Hotline:

24/7 staffed telephone hotline and online platform for neighbors to report non-emergency STR problems, submit evidence and initiate automatic follow-up activities





**To accommodate any budget** and ensure a high ROI for our clients, our services are priced based on the number of STRs that needs to be monitored

### Cost per STR Listing/Rental Unit

	Mobile-Enabled Registration/Tax Collection	TBD Per Year
	Address Identification	\$45.00 Per Year
	Compliance Monitoring	\$22.50 Per Year
	Rental Activity Monitoring	\$30.00 Per Year
	24/7 Dedicated Hotline	\$12.00 Per Year

*Note: the pricing reflected is direct, list pricing in USD. The exact scope can be adjusted to meet Kingston's exact monitoring needs in terms of geography, listing sites, listing types and other variables.*

# Affordable modular pricing tailored to Kingston's needs

---



Mobile-Enabled Registration/Tax Collection

\$5,000  
Per Year



Address Identification

\$5,625  
Per Year



Compliance Monitoring

\$1,935  
Per Year



Rental Activity Monitoring

\$2,580  
Per Year



24/7 Dedicated Hotline

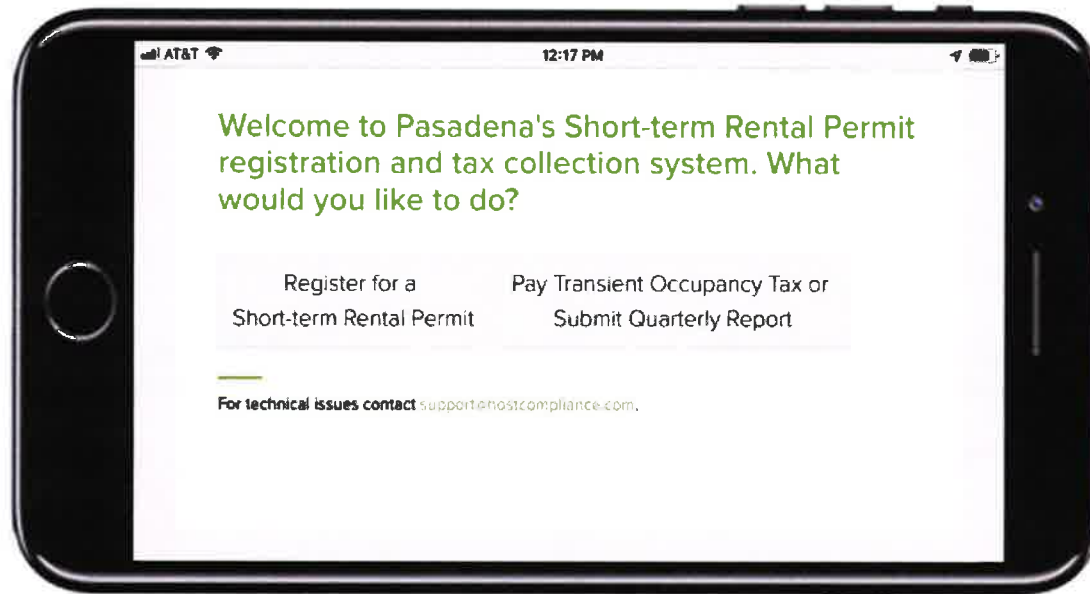
\$1,032  
Per Year

*Note: the pricing reflected is direct, list pricing in USD. The exact scope can be adjusted to meet Kingston's exact monitoring needs in terms of geography, listing sites, listing types and other variables.*



# Mobile-Enabled Registration/Tax Collection

Simplify Kingston's registration/permitting/tax collection process and significantly reduce the administrative costs on the back-end



# Mobile-Enabled Registration/Tax Collection

Make it as easy to register, submit documentation and pay for your STR license/permit/taxes as it is to make a purchase from Amazon.com



We customize the online workflow to meet Kingston's specific Ordinance requirements



The user-experience is designed to delight citizens, reduce errors and guide applicants through the process



We let hosts pay their registration fees and taxes whichever way they prefer

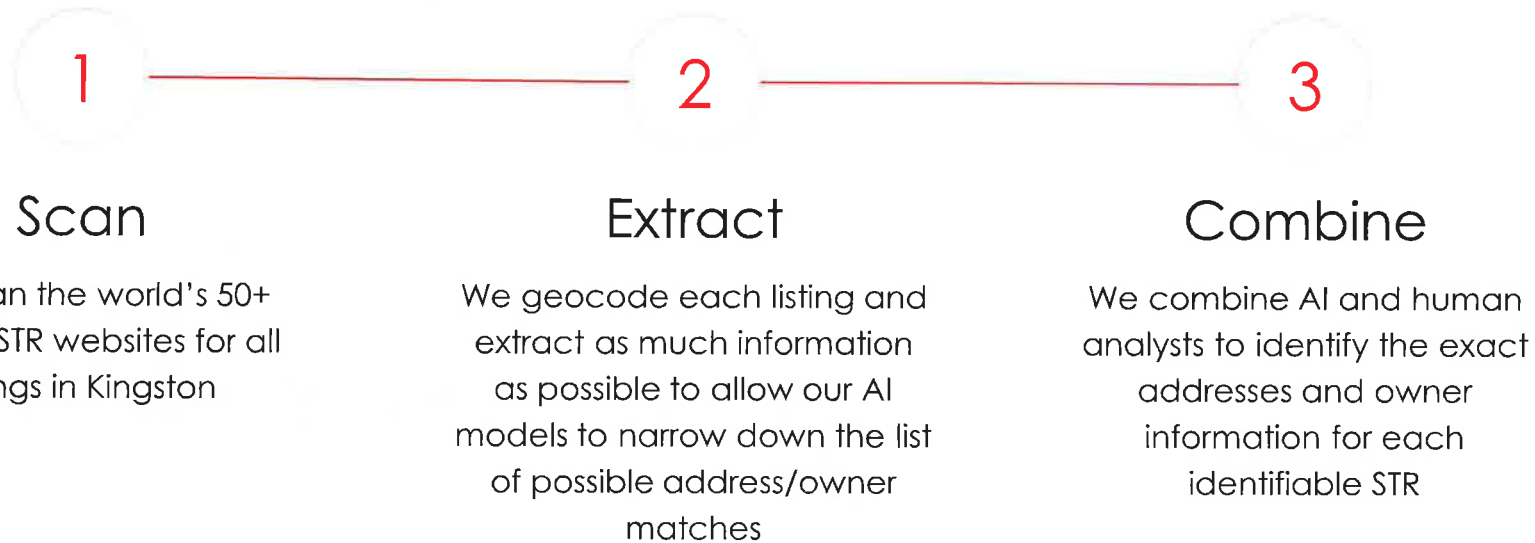


We collect supporting documentation and electronic signatures to ensure compliance with all laws

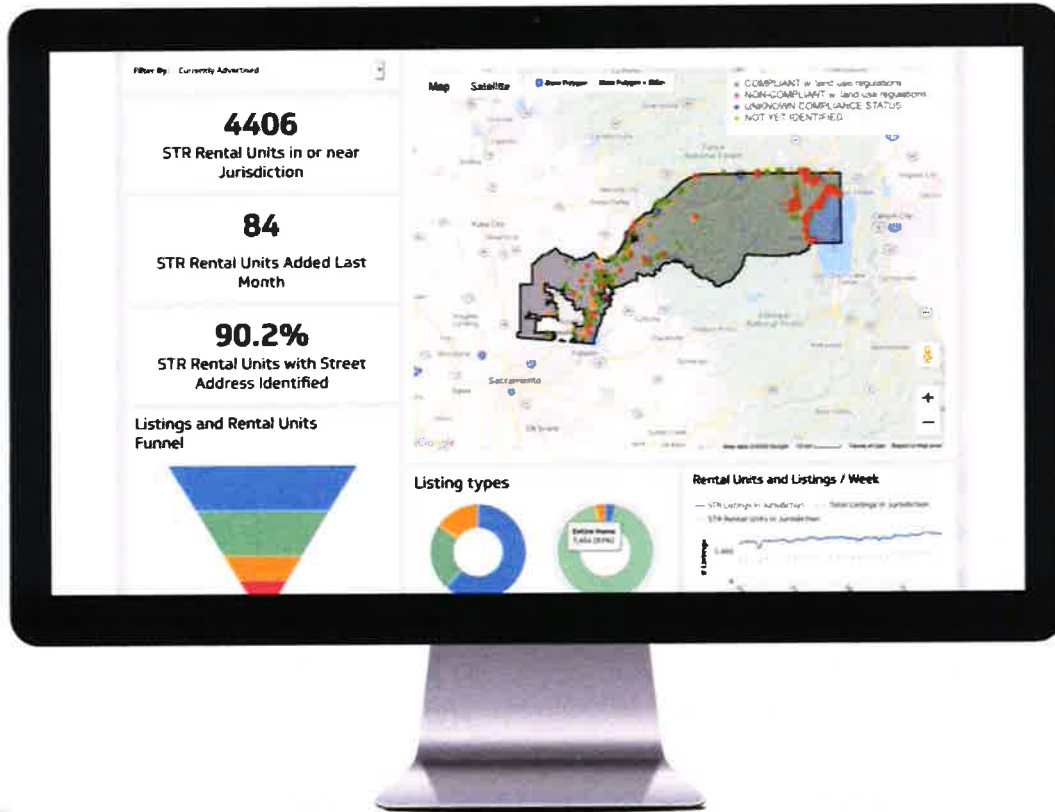


# Address Identification

Technology and processes make it possible to easily monitor Kingston's STR market and find the addresses and owners of all identifiable STRs



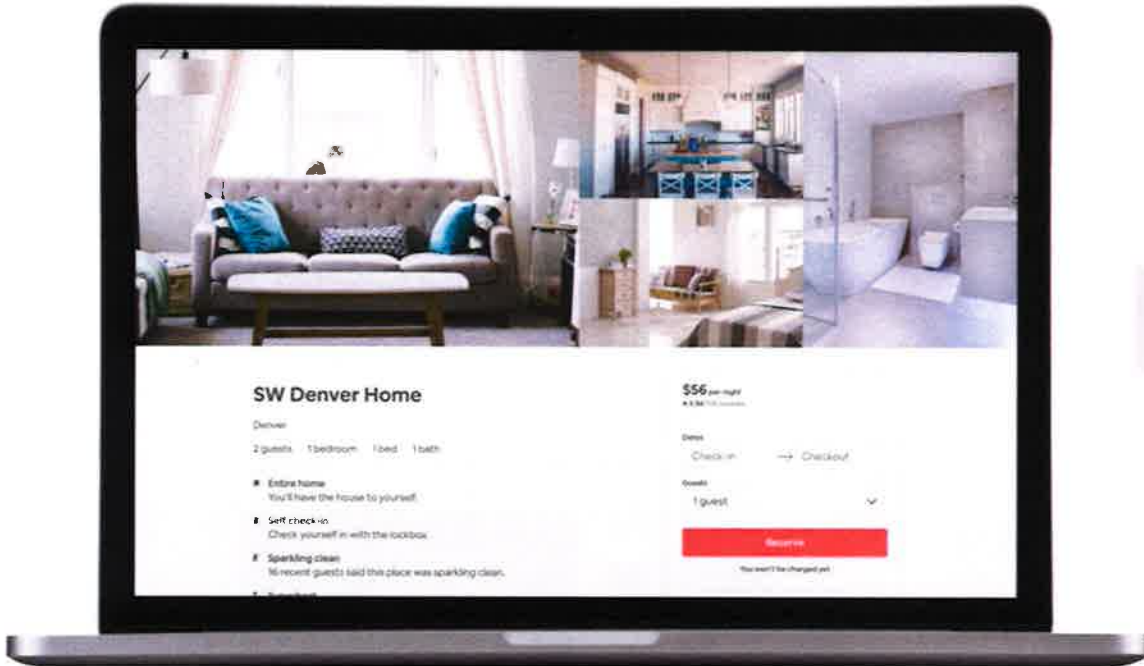
# Address Identification



Granicus Host Compliance provides real-time dashboards that makes it easy for staff and elected officials to understand the current state of Kingston's short-term rental market

# Address Identification

While scanning each STR platform every 3 days, Granicus Host Compliance captures listing status, metadata and full-screen screenshots which are time-stamped and made available to our clients in real time

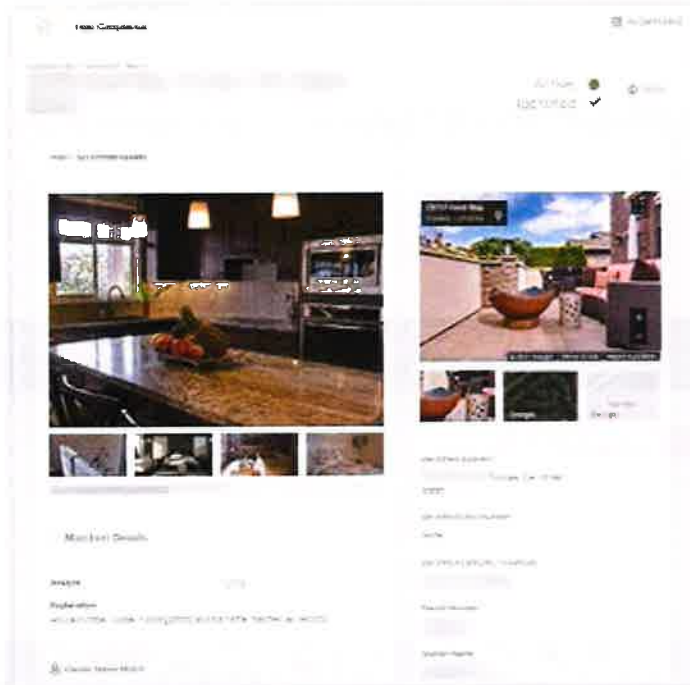


Full screen



# Address Identification

The data and screenshots we collect are made available to authorized city personnel in an easy to use online dashboard and records management system





# Address Identification

Our system supports all Kingston's enforcement efforts with evidence of every address match and signed declarations, affidavits and expert testimony whenever needed

Example of Searchable Evidence

Matched Details

Analyst: [REDACTED] (XW)

Explanation  
The exterior shown in the listing photo has all of the identical features to the one shown on the assessor website. The property is posted by [REDACTED] and [REDACTED] which matched the two owners listed by the assessor.

Listing Photos: [REDACTED]

Matching 3rd Party Sources: [REDACTED]

Same exterior: [REDACTED]

[REDACTED] and [REDACTED] mentioned as hosts, they are owners of property

Example of Legal Declaration

4  
5  
6  
7  
8 CITY OF IMPERIAL BEACH-ADMINISTRATIVE CITATION APPEAL  
9  
10 In the Appeal Of Citation Number [REDACTED] Code Enforcement Case [REDACTED]  
11 [REDACTED] DECLARATION OF ULRIK BINZER  
12 [IMAGED FILE]  
13 Appellant, [REDACTED]  
14 vs. Hearing Officer [REDACTED]  
15 CITY OF IMPERIAL BEACH, Hearing Date: May 30, 2018  
16 Respondant, Hearing Time: 10:00 a.m.  
Hearing Location: Mayor's Office  
825 Imperial Beach Blvd  
Imperial Beach, CA 91932

17  
18  
19 I, Ulrik Binzer, declare as follows:  
20 1. I am the Chief Executive Officer of Host Compliance, LLC. I have personal  
21 knowledge of all the matters stated herein and, if called as a witness, I could competently testify  
22 thereto.  
23 2. Host Compliance, LLC ("Host Compliance") is a California Limited Liability  
24 Company that was formed on October 15, 2015 with its principal place of business located at 735  
25 Market Street, Floor 4, San Francisco, CA 94920. I have worked for Host Compliance since its  
26 inception.  
27 3. As the, CEO, my duties at Host Compliance include managing all aspect of the  
28 Company's operations. I am also the Founder and CEO of Host Compliance. I previously served

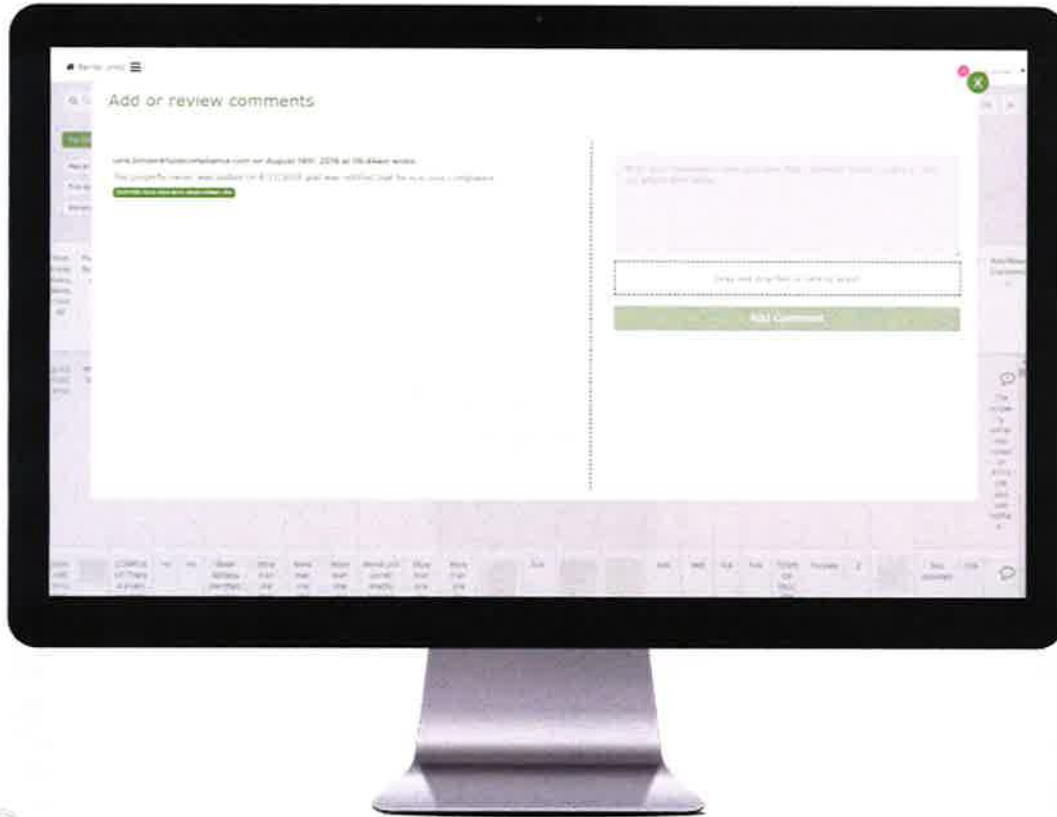
DECLARATION OF ULRIK BINZER

# Address Identification



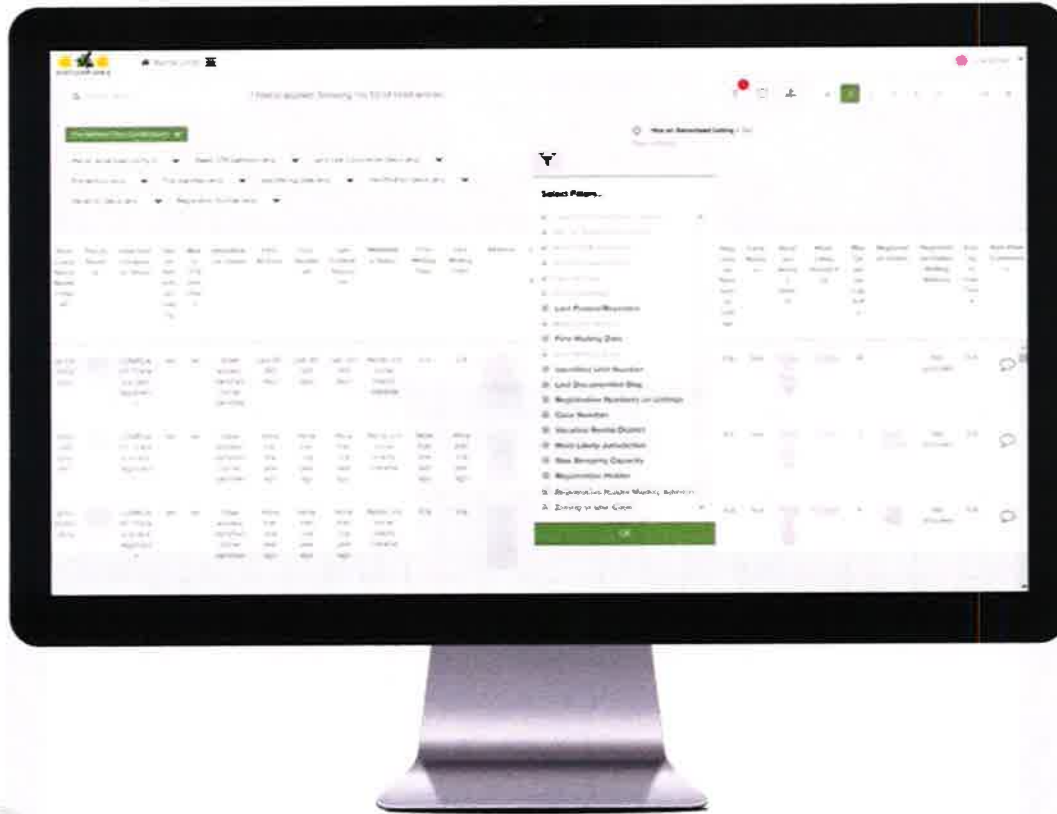
All data is made available in detailed data reports that can be customized to Kingston's exact needs and easily downloaded into Excel/CSV format

# Address Identification



Granicus Host Compliance makes it easy to track the status of individual rentals and create case notes as needed

# Address Identification



All our data can be easily filtered, sorted and grouped in real-time

# Compliance Monitoring

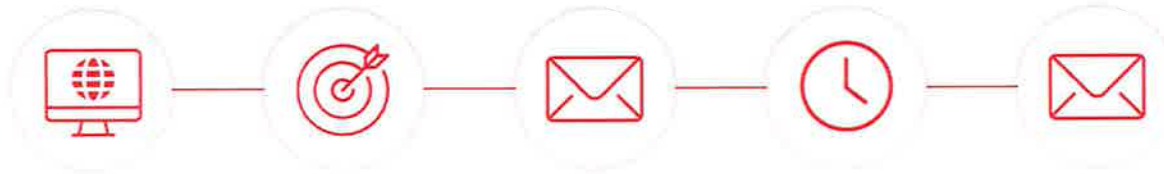
Put Kingston's compliance monitoring and outreach efforts on auto-pilot by automating the mailing of notices to non-compliant short-term rental operators



# Compliance Monitoring

Automate the entire mailing and follow-up process and track the status and outcome of each letter in real-time

## Permit Compliance Mailing Sequence



Letters

Showing 1 to 50 of 7674 entries

No filters have been applied.

Letter ID	Letter	Mailing Date	Recipient Status	USPS Delivery Status	Parcel Number	Unit Number	Recipient Name	Recipient Address	Property Address	Has an Advertised Listing	Micro-STR Determination	Land Use Compliance Status	Estimated LAR Date	Return #	Letter A/R sent to contact recipient	Property is now in compliance	Parcel Unit Boundry	Registration Type	Parcel Unit	Assign to Customer (Y)
58651	First Warning - No STR or Tax	2019-08-04	Delivered	Delivered	15007001100	N/A	[REDACTED]	[REDACTED]	[REDACTED]	No	Yes	COMPLIANT No longer advertised	estimated_revised_upper_bound	No	Yes	Yes	Parcel Unit Boundry	N/A	Parcel Unit	Assign to Customer (Y)
58650	First Warning - No STR or Tax	2019-08-04	Delivered	Delivered	14908018900	N/A	[REDACTED]	[REDACTED]	[REDACTED]	No	Yes	COMPLIANT No longer advertised	estimated_revised_upper_bound	No	Yes	Yes	Parcel Unit Boundry	N/A	Parcel Unit	Assign to Customer (Y)
58649	First Warning - No STR or Tax	2019-08-04	Delivered	Delivered	14815013000	N/A	[REDACTED]	[REDACTED]	[REDACTED]	No	Yes	COMPLIANT No longer advertised	estimated_revised_upper_bound	No	Yes	Yes	Parcel Unit Boundry	N/A	Parcel Unit	Assign to Customer (Y)

# Compliance Monitoring

Stay in control but save time by having us send your enforcement letters with the click of a button

The image displays a software interface for compliance monitoring. On the left, a property listing is shown with a kitchen photo and a 'Matched Details' section. At the top right of the listing, there are status indicators for 'Active', 'Identified', and 'Compliant', along with 'PRINT' and 'SEND A LETTER' buttons. A red arrow points from a larger 'SEND A LETTER' button in a separate box to the 'SEND A LETTER' button on the listing page. In the foreground, a 'Select Letter Template' dialog is open, showing four template options: 'First Warning - No STR or Tax', 'First Warning - No STR Permit', 'First Warning - No Tax Reg', and 'Airbnb Letter'.

# Rental Activity Monitoring

Showing 1 of 50 of 2,007 entries

Revenue Estimate by Rental Unit since January 01, 2018

Unit Number	Estimated Revenue	Occupancy Frequency	Rental Frequency
101	\$74,298	\$0	\$59,267
102	\$17,918	\$0	\$48,733
103	\$40,217	\$36,732	\$29,538
104	\$1,931	\$0	\$294,400
105	\$4,353	\$0	\$294,400
106	\$21,023	\$0	\$294,400
107	\$66,374	\$26,988	\$74,944
108	\$0	\$0	\$305,940
109	\$156,999	\$79,549	\$161,819
110	\$17,929	\$79,889	\$141,362
111	\$69,226	\$43,740	\$126,527
112	\$13,943	\$0	\$193,237
113	\$16,940	\$14,630	\$113,532
114	\$16,646	\$13,624	\$126,436
115	\$41,234	\$19,211	\$136,936
116	\$16,238	\$13,647	\$132,748
117	\$40,740	\$4,136	\$36,434
118	\$16,153	\$1,717	\$36,964
119	\$52,363	\$14,993	\$36,386
120	\$42,276	\$46,276	\$40,075
121	\$46,139	\$29,949	\$34,906
122	\$13,393	\$21,975	\$34,740
123	\$27,789	\$0	\$67,994
124	\$38,813	\$23,334	\$47,601
125	\$37,687	\$26,684	\$47,422
126	\$34,818	\$25,600	\$38,554

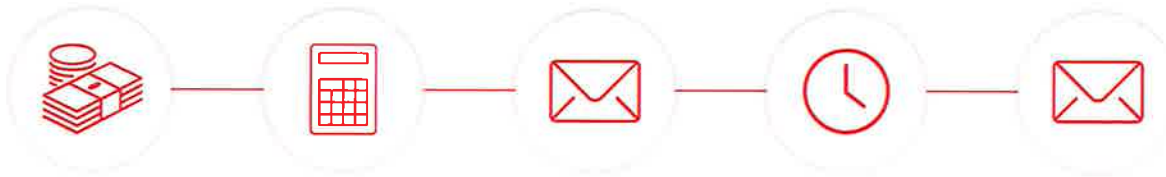
Easily identify tax fraud and occupancy/rental frequency violations by monitoring Kingston's STR listings for signs of rental activity



# Rental Activity Audit Automation

Automate the selection of audit candidates and the issuance of audit notifications to maximize the impact of Kingston's audit efforts

Tax under-reporting mailing sequence



# Rental Activity Audit Automation

Streamline the audit process by requesting all backup info through simple, interactive online forms

Short-term Rental Revenue Validation Form

Please report each listing advertising your short-term rental.

Listing Website: HomeAway / VRBO / VacationRentals.com

Listing Webpage: <https://www.airbnb.com/rooms/12345>

Listing Website: TripAdvisor / Priceline

Listing Webpage: <https://www.airbnb.com/rooms/12345>

Apply

Please enter the taxable receipts for the listing on Airbnb at <https://www.airbnb.com/rooms/1838274> (Listing 1 / 2).

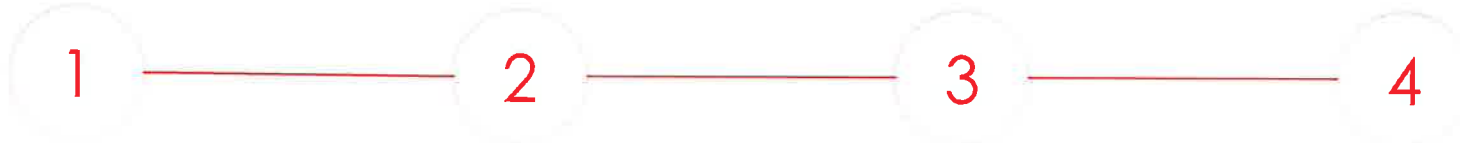
Access your Airbnb history at [https://www.airbnb.com/my\\_reservations?all=1&print=1&target=\\_blank](https://www.airbnb.com/my_reservations?all=1&print=1&target=_blank)

Taxable receipts **INCLUDE**, but are not limited to, nightly rents, weekly rents, standard cleaning fees, pet fees, internet charges, late check-out fees, extra person fees, and resort fees. Taxable receipts **EXCLUDE** refundable deposits and any additional items included in a special package rate, such as ski passes, or other recreational activity or additional service subject to CA sales tax.

2015	Calendar Quarter 1 2015 (January 01 - March 31)	Please enter the taxable receipts for Quarter 1 / 2015 \$xx,xxx
	Calendar Quarter 2 2015 (April 01 - June 30)	Please enter the taxable receipts for Quarter 2 / 2015 \$xx,xxx
	Calendar Quarter 3 2015 (July 01 - September 30)	Please enter the taxable receipts for Quarter 3 / 2015 \$xx,xxx
	Calendar Quarter 4 2015	Please enter the taxable receipts for Quarter 4 / 2015

# 24/7 STR Hotline

Make it easy for neighbors to report, substantiate and resolve non-emergency STR related incidents in real-time



## Report

Concerned neighbor calls 24/7 short-term rental hotline or reports incident online

## Proof

Complainant provides info on alleged incident and is asked to submit photos, videos or other proof of the alleged violation

## Resolution

If property is registered, Granicus Host Compliance immediately calls host/emergency contact to seek resolution

## Complete

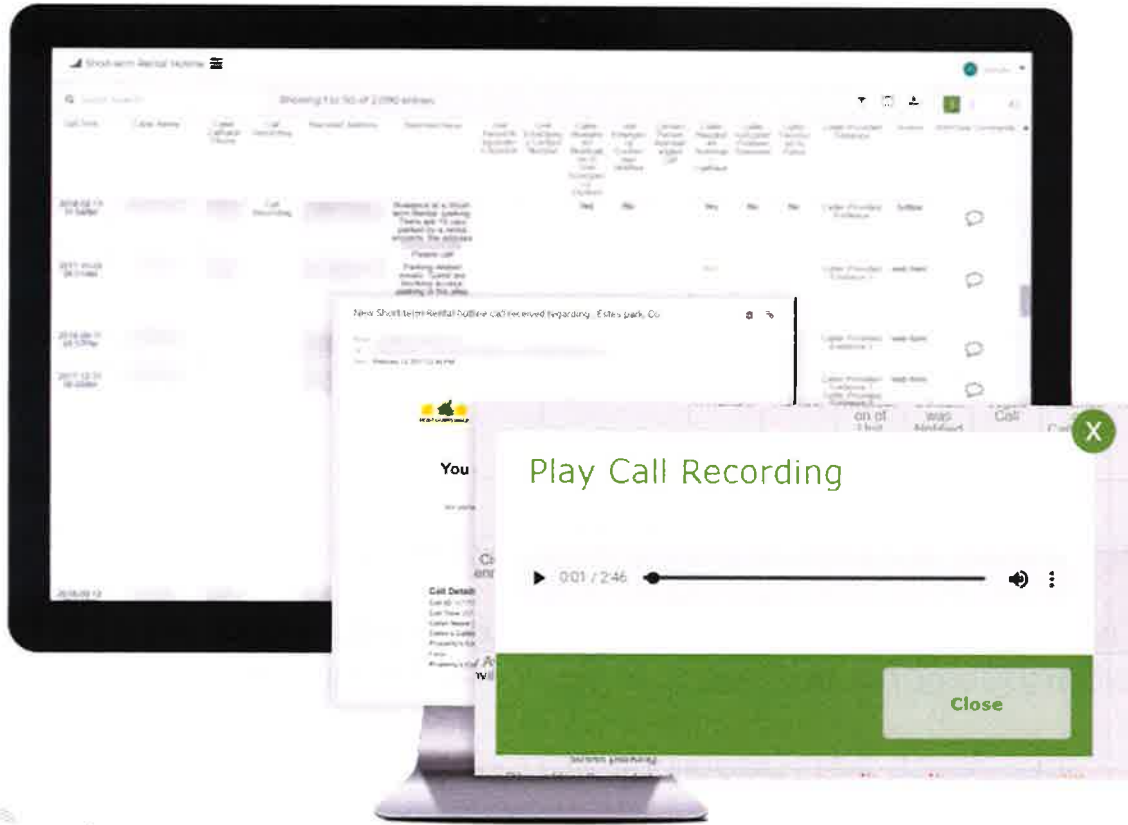
Problem solved or escalated – complaints saved in database so serial offenders can be held accountable

# 24/7 STR Hotline



Get detailed reports and dashboards to track all short-term rental related complaints in real-time and over time

# 24/7 STR Hotline



Get detailed reports and dashboards to track all short-term rental related complaints in real-time and over time

# Benefits to using the Host Compliance solution

- ✓ Ensures fair, continuous and consistent compliance monitoring and enforcement
- ✓ Frees up valuable staff time that can be focused on higher-value added activities
- ✓ Minimizes noise, parking and trash violations
- ✓ Minimizes the impact on local law and code enforcement agencies as complaints are first handled by our 24/7 hotline and routed to the appropriate property owner before further enforcement actions are triggered
- ✓ Maximizes Kingston's tax and permit fee collections
- ✓ REVENUE POSITIVE – in most cases, the additional registration fees alone pays for the Granicus Host Compliance solution several times over
- ✓ Requires NO up-front investment or complicated IT integration

# Agenda

- 1 Introductions
- 2 Kingston and the Market Context
- 3 The Granicus Host Compliance Solution
- 4 Discussion and Next Steps

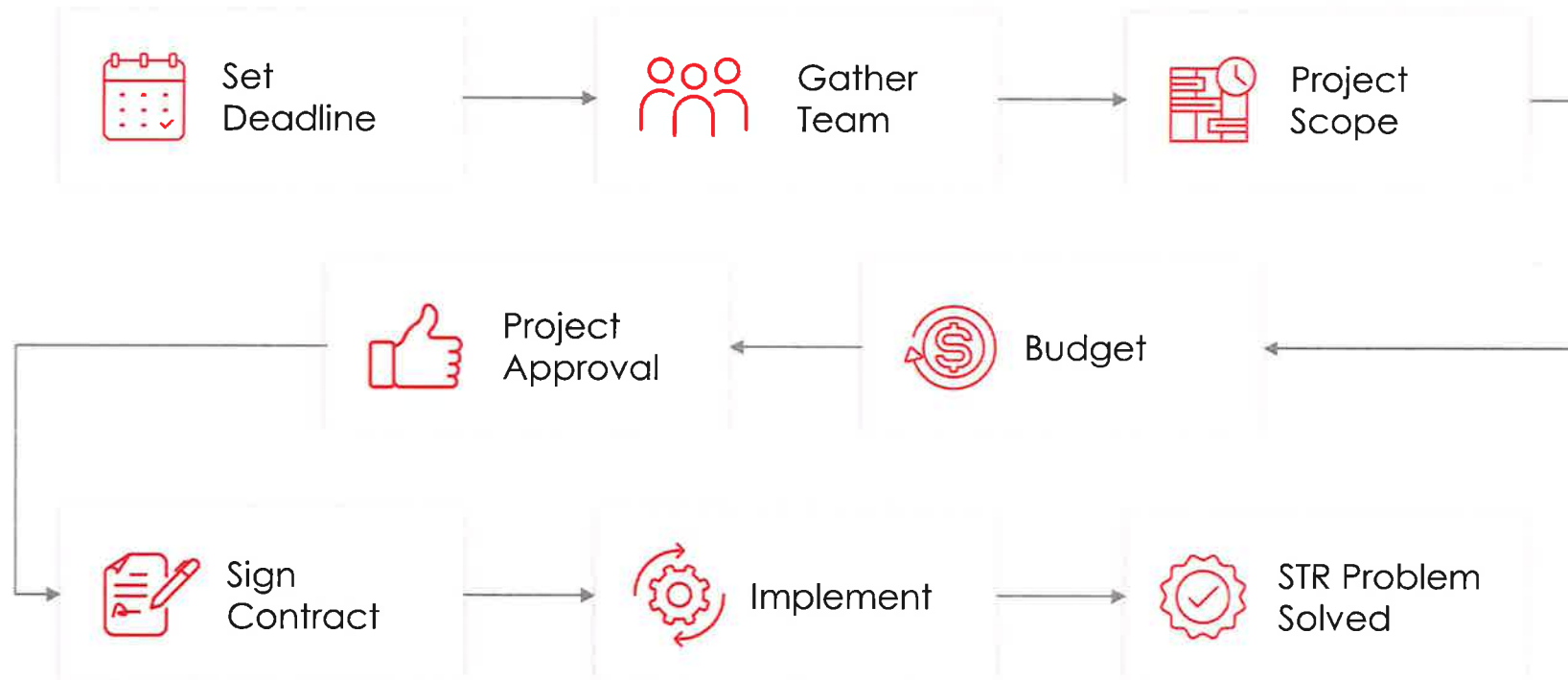




**Feedback**



# Working backwards to a solution to address Kingston's STR challenges



# Next Steps

- Send you this presentation and meeting summary
- Schedule all team meeting?
- Set timeline to decide on best solution for Kingston's needs
- Confirm timing of possible rollout (needed to secure Kingston's place in the queue)

## Contact Info

Please feel free to contact us anytime if you have any questions about short-term rental regulation and how to best address the associated monitoring and enforcement challenges.

Bruce McCaskill

[bruce.mccaskill@granicus.com](mailto:bruce.mccaskill@granicus.com)

(415) 707-0568

# Unlike our competitors, Granicus Host Compliance systematically captures data from 54 major short-term rental platforms every 3 days

Abritel	Expedia.com	Kozaza	Tripz
Agoda.com	Flat4Day	LoveHomeSwap	Vacasa
Airbnb.com	Flipkey.com	LuxuryRetreats.com	VacationCandy
AlugueTemporada	Great Rentals	MountainSkiTrips	VacationRentals.com
BedandBreakfast.com	HolidayLettings.com	Niumba.com	Villas.com
Belvilla	HomeAway.co.uk	Novasol	VRBO.com
Bookabach	HomeAway.com	Orbitz	WeNeedAVacation
Booking.com	HomeAway.com.au	OwnersDirect	Wimdu
Bungalo	HomeAway.de	PerfectPlaces	9flats.com
CanadaStays	HomeAway.es	Stayz.com.au	
Cofman	Homelidays.com	Toprural.es	
CyberRentals	HomeLike	travelmob.com	
Dobovo	HomeStay	TravelStaytion	
e-domizil	HouseTrip.com	Tripadvisor.com	
Evolve	HRS Holidays	TripBeat	

(L+R)

## Tinti, Elisa

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**From:** Shaut, Andrea  
**Sent:** Monday, April 26, 2021 9:28 AM  
**To:** Tinti, Elisa  
**Subject:** FW: [EXTERNAL EMAIL] ATV and dirt bike ban signed in Albany

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Elisa,

Please include the following email as a communication.

Thank you,  
Andrea

**From:** Rich Schiafo [mailto:rich.schiafo@gmail.com]  
**Sent:** Thursday, April 15, 2021 12:01 PM  
**To:** Noble, Steve <SNoble@kingston-ny.gov>; Noble, Steve <SNoble@kingston-ny.gov>; Shaut, Andrea <ashaut@kingston-ny.gov>; Tinti, Egidio <etinti@kingston-ny.gov>; Schabot, Steven <sshobot@kingston-ny.gov>; Hirsch, Michele <mhirsch@kingston-ny.gov>; Morell, Jeffrey <ward1@kingston-ny.gov>; Worthington, Rita <ward4@kingston-ny.gov>; Koop, Douglas <dkoop@kingston-ny.gov>; Scott-Childress, Reynolds <rscott-childress@kingston-ny.gov>; Tallerman, Donald <dtallerman@kingston-ny.gov>; Davis, Tony <tdavis@kingston-ny.gov>  
**Subject:** [EXTERNAL EMAIL] ATV and dirt bike ban signed in Albany

The City of Kingston should follow suit.

I urge the City of Kingston to adopt this type of legislation banning dirt bikes and ATV use on all city streets as well as on all public, residential and commercial land.

[ATV and dirt bike ban signed in Albany](#)

by Dave Lucas

Albany Mayor Kathy Sheehan signed legislation Wednesday banning ATVs and dirt bikes from city streets and parks.

"The message today is very clear. Do not bring your ATV or dirt bike into the city of Albany, do not operate on our city streets, do not write (ride) it in our city parks, because you are not only putting our residents, including small children at risk, but it will cost you \$3,000 to get it back. I am a resident of Arbor Hill. And I can tell you that over these last two summers and particularly this year, the disruption caused by these vehicles is unconscionable. We live in a neighborhood where we expect to be able to sit out on our own porch and hear ourselves talk. What happens often now with these bikes, and oftentimes we see them a hundred at a time going the wrong way up one way streets, constantly circling around and around and around. It is waking up children. It is disrupting people's lives. It is illegal and it has no place on our city streets."

Albany Police Chief Eric Hawkins says the issue has gone from a nuisance to a danger:



"Every single day, I am receiving a complaint from a resident about the destructiveness and what's happening with these vehicles in our streets. And it's very dangerous. We have our officers who are out there diligently trying to address this issue. And in the meantime, officers are being injured. We're having uninvolved people who are in danger. The individuals who are riding these illegal ATVs and dirt bikes are in danger. "

Third ward Common Councilor Joyce Love would like to see the dirt bike riders catch a break.

"These motorcycles, these ATVs, have no business in the street. But what I would like to do is sit down with the 15-member Council and figure out where we can find a spot where these kids, young kids, can ride these things at."

Mayor Sheehan has a different take:

" I understand that there are people who say, you need to provide a place for this to happen. That's not what this is about. These are individuals who engage in this behavior on city streets because that's where they want to ride these bikes. I've had mothers tell me stories in tears about picking their children up from daycare, strapping their child into a car seat, getting behind the wheel of their car and becoming surrounded by these dirt bikes, and feeling as though they can't even move. So you know, this is a real problem. It is a menace. This is not just people out there having fun. These are people out there creating danger and it needs to stop."

11th Ward Common Councilor Alfredo Balarin points out that new law also allows the city to sell or destroy repossessed vehicles unclaimed after 60 days.

"The worst part is that many of these individuals are coming from outside the city. And they're bringing their bikes here thinking that they can do it safely, or get away with it ,not safely, but get away with it. And this policy is gonna tell them, stay in your neighborhood, stay where you are, don't come to our city. Because if you're going to come to our city, we're going to take it, we're going to break it and you're going to pay for it. "

<https://www.wamc.org/post/albany-bans-atvs-and-dirt-bikes-public-property>

<https://www.news10.com/news/atv-and-dirt-bike-ban-signed-in-albany/>

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*Rich Schiafo (he, him)*  
294 4th Ave  
Kingston, NY 12401

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