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**Tinti, Elisa**

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**From:** Tuey, John  
**Sent:** Friday, February 28, 2025 10:58 AM  
**To:** Tinti, Elisa; Shaut, Andrea  
**Cc:** DeCicco, Jackie; Noble, Steve  
**Subject:** Common Council Communication - Deputy Comptroller - Exempt Status

Good morning,

Please consider this as an official communication to the Common Council that I am asking to be referred to the appropriate committee of the Common Council:

Per NYS Civil Service, in order to classify the City's Deputy Comptroller (this would also apply to other City Deputy's) as an exempt position under Civil Service, the following must be addressed in some fashion:

*The Charter language that was shared seems to provide for the Deputy Comptroller as a position existing in city government, but it doesn't say how much authority the position has. Section 41 provides for exempt jurisdictional classification of deputies to department heads if they are authorized by law to act generally for and in place of their principal officers. Our counsel says that a law or local resolution by the governing board is sufficient to establish this authority. So, we would need to see one of the following:*

- a. *Language in the City Charter that provides for all deputies to act generally for and in place of their principal officers, or in the absence or inability of the principals to act.*
- b. *A local law that authorizes the Deputy Comptroller (which could be worded to cover just the Deputy Comptroller, or it could be a blanket authorization of all deputies in the city) to act generally for and in place of their principal officer(s), or in the absence or inability of the principal(s) to act.*
- c. *A local resolution passed by the city's governing body that authorizes the Deputy Comptroller (which could be worded to cover just the Deputy Comptroller or all deputies in the city) to act generally for and in place of their principal officer(s), or in the absence or inability of the principal(s) to act.*

It is extremely important that there is an employee in my office that can act on my behalf in the case of my absence.

Thank you in advance,

John

**John Tuey, CPA**  
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# CITY OF KINGSTON

## Office of the Mayor

mayor@kingston-ny.gov

LAR

Steven T. Noble  
Mayor



February 26, 2025

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

Re: Intent to present Tree Ordinance for Adoption to City Code

Dear President Shaut,

An Amendment to City Code Chapter 373 has been drafted to establish a Tree Preservation Ordinance for consideration by the Laws and Rules Committee. This ordinance has been drafted by the City's Urban Forester as an Amendment to the City Code regarding City Trees which was adopted by the Common Council on April 4th, 1995. I am submitting the proposed Tree Preservation Ordinance for the Committee to review and vote for adoption at the April 16th, 2025 meeting of the Laws and Rules Committee.

Sincerely,

Steven T. Noble  
Mayor



City of Kingston  
Tree Preservation Ordinance

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## **1. PURPOSE**

It is the purpose of this ordinance to promote and protect the health, safety and general welfare of the City's inhabitants by providing for the preservation, regulation, planting, maintenance, and removal of trees within the City of Kingston.

The indiscriminate and uncontrolled damage or removal of trees deprives the community of the benefits trees provide and increases City and Public costs for cooling, stormwater drainage control, small particulate matter air filtering, and general quality of life. Trees are of substantial value to the community as a whole and that their benefits reach far beyond the boundaries of the property on which they are situated. The interests of the public at large shall be valued in partnership with those of property owners, and tree protection efforts must be sufficiently targeted so that undesirable trees, particularly those that may be dangerous if allowed to stand, can be pruned or removed without the need for compliance with onerous regulations.

## **2. DEFINITIONS**

For the purpose of this chapter, the following terms shall have the meanings given herein:

### **Applicant**

Any individual, partnership, corporation, municipality or other entity, together with employees, officers, directors, agents, independent contractors or any lessee or contract-vendee of a parcel of property, which owns any real property or portion of real property within the jurisdiction of the city.

### **Certified Arborist**

An individual who is trained in the art and science of arboriculture and the planting, caring for, and maintaining individual trees. This individual has received and maintains a certification through a certifying body such as the International Society of Arboriculture.

### **City-Approved Tree Species List**

A list of all tree species that have approval by the City of Kingston for planting on public property and within the public right of way.

### **Critical Root Zone**

The area on the ground corresponding to the Dripline of the tree. As the natural dripline can be irregular in shape, this area is defined in a circular shape, with the tree trunk as the center, and with a radius calculated as eighteen (18) inches for every one (1) inch of tree trunk measured diameter at breast height. (Example: a 10" DBH tree shall have a Critical Root Zone with a 15ft radius.)

### **Construction Zone**

Area in which active projects related to construction, demolition, addition, or renovation of structures are occurring and in which machinery capable of damaging trees or compacting soil may be operating.

### **Consulting Arborist**

A certified, professional arborist who is employed as an unbiased, third party to review work and agreements between the City of Kingston and other parties.

### **Diameter at Breast Height**

The diameter (or caliper) of a tree measured at a point four feet above the ground.

**Dripline**

The area defined by the outermost circumference of a tree canopy where water drips from and onto the ground.

**Forest Stand Improvement**

The manipulation of tree or woody species composition, in a determined subdivision of land (stand), for the purpose of stand structure, or stand density by cutting or killing selected trees or understory vegetation to achieve desired forest conditions or obtain ecosystem services.

**Heritage Tree(s)**

Trees have been identified as particularly valuable due to their large size, important native ecological value, or protected environmental status.

**Park**

Includes any municipal park having an individual name.

**Property Owner**

Any individual, partnership, corporation, municipality or other entity, together with employees, officers, directors, agents, independent contractors or any lessee or contract-vendee of a parcel of property, which owns any real property or portion of real property within the jurisdiction of the city.

**Protected Tree(s)**

A Protected Tree is defined as any single trunk tree or any multi-stem tree with at least one stem, having a DBH of six (6) inches or greater when located on private property, or a tree of any size when located either on Public Property, in the public right of way, or planted as a Replacement Tree.

**Public Property**

Land that is owned by the City of Kingston which shall include parks, services locations, and the public right of way.

**Tree**

A living single, or multiple stem plant with lignified tissues that maintains a year-round trunk and limbs.

**Tree Permit**

A written authorization to plant, prune, remove, or otherwise perform maintenance to (a) tree(s) pursuant to this ordinance.

**Tree Protection Area**

The area in which protective fencing must be installed to prevent any construction activity from damaging any part of the tree. This shall include, at a minimum, the area determined to be within the Critical Root Zone.

**Tree Protection Plan**

A plan which outlines specific measures to protect trees during construction or other site disturbance.

**Tree Survey**

A document which has identified and measured trees within a defined area and includes a detailed map with corresponding information about each tree in an attribute table.

**Trenchless Technology Methods**

Methodologies or technologies that allow for the displacement of soils and/or installation of underground infrastructure without excavation or other disturbances of the top thirty six (36) inches of soil in which the majority of tree roots grow.

**Topping**

The reduction of a tree's height using cuts that shorten terminal leading limbs or branches back to a

predetermined crown limit without facilitating the establishment of a new terminal lead which will have apical dominance. Topping is not an acceptable pruning practice.

**Undeveloped Forest**

A wooded area which has not been cleared of trees or other woody material or otherwise managed for silvicultural or agricultural purposes.

**Urban Forester**

City staff member responsible for the management of trees which comprise the City of Kingston's Urban Forest.

**Utility Service Provider**

Entity or entities owning or servicing above or below ground utilities.

**3. TREE COMMISSION**

1. There is hereby created and established a Tree Commission consisting of seven members to be appointed by the Mayor, at least one of whom shall be either professionally trained or experienced in the field of municipal arboriculture; one of whom shall be a member of the Common Council; one of whom shall be a member of the Planning Department or other appropriate City department; one of whom shall be the Urban Forester as employed by the City; and one of whom shall be a member of the Memorial Tree Fund, Inc. All lay members of the commission shall be citizens and actual residents of the City of Kingston. The member of the Common Council, the member of the Planning Department or other City department, and the Urban Forester shall be ex-officio members of the Commission and shall have no vote on matters before the Commission. There shall be five voting members. All members of the Commission shall serve without pay.
2. Of the members of the Commission who are first appointed pursuant to this chapter, two shall be designated to serve for terms of two years; two shall be designated to serve for terms of three years; and three shall be designated to serve for terms of four years. Thereafter, the term of office shall be three years.
3. The Tree Commission shall have power and it shall be its duty:

  - A. To study problems and needs of the city in connection with the tree planting program and to make recommendations to the Mayor and/or his designee as to type and kind of trees to be planted by the city;
  - B. To assist in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees in the city;
  - C. To make recommendation to the Common Council as to desirable legislation concerning the tree program and activities for the municipality such as certification as "Tree City, USA"; [Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000]
  - D. To provide for the holding of regular and special meetings and to adopt rules and regulations not inconsistent with this chapter for the conduct of the meeting and business of the Commission. The Commissions shall file a copy of the rules and regulations, and any amendments thereto, with the City Clerk.
  - E. All determinations and decisions shall be by majority vote.
  - F. To provide the Mayor with a recommendation upon his/her receipt of an appeal; to meet within 10 business days of receipt of a request for an interpretation of this chapter, or as

otherwise necessary; and to advise the Mayor on appeals from the issuance, denial, or revocation of a tree permits. A special or emergency meeting may be convened by either the Chairperson or any five members on two days notice. All meetings of the Tree Commission shall be open to the public.

- G. To assist with funding applications and development of associated programs that are consistent with this chapter.

#### **4. MUNICIPAL AUTHORITY AND RESPONSIBILITY**

Administration and enforcement of the Tree Ordinance is the responsibility of the Planning Department and the Urban Forester. All City Departments reserve the right to review and require additional documents or protection standards where applicable.

#### **5. GENERAL PROVISIONS**

Any tree of any size located upon adjacent rights-of-way or public property, and any tree having a trunk Diameter at Breast Height (DBH) of six (6) inches or greater located on private property, shall be designated as a Protected Tree, except as otherwise provided in this document or as authorized by the Planning Department and the Urban Forester. Any trees with this designation shall be protected from damage and unauthorized removal by means of the requirements stated herein. Both the Property Owner and the agent of the Property Owner violating this Article shall be jointly liable.

Damage to a Protected Tree shall be defined as any action involving mechanical, chemical, or biological altering of the tree, including its crown, trunk, and root system, which may cause the tree to prematurely decline over a span of one or more years, become structurally unstable, or become unable to sustain its own natural functions. This may include topping, flush cuts, or removal of more than 30% of the tree canopy in a single growing season, or removal of stabilizing roots.

Unauthorized removal shall be defined as any action without City approval that causes a Protected Tree to die within two years of the action being performed. This may include cutting or girdling of the tree trunk, or application of herbicides to the living tissues of the tree.

Diameter at Breast Height shall be measured at four and a half (4.5) feet height as seen in the following diagrams.

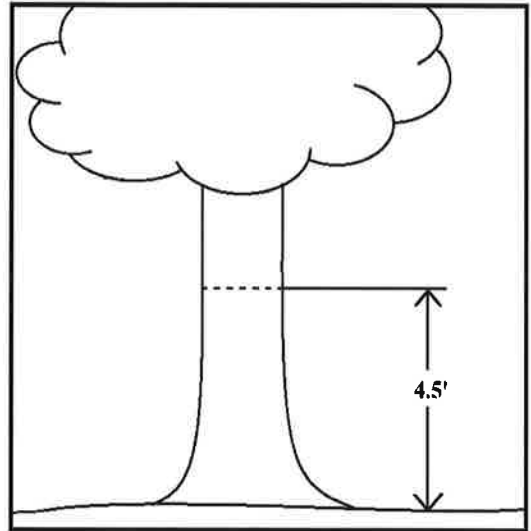
(Diagrams located on next page)



### Tree Measurement

Tree DBH (Diameter at Breast Height) is to be measured by wrapping a flexible measuring tape around the circumference of the trunk at a height of four and one-half (4.5') feet from the ground. With this measurement, apply the following formula:

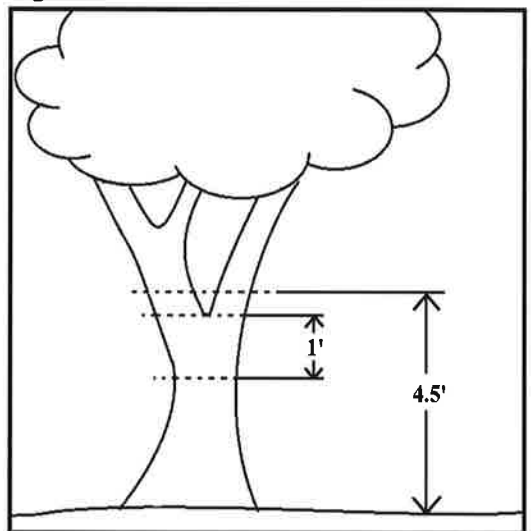
$$(\text{DBH}) = \text{Circumference in Inches} / 3.1415$$



Single Trunk Tree

### Multiple Stemmed Trees – Mid Division

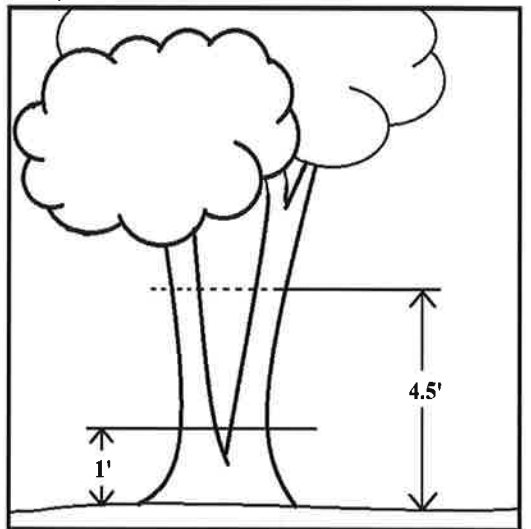
When trunk division begins lower than four and one-half (4.5) feet from the ground but higher than one (1) foot from the ground, the tree is to be measured at one (1) foot below the trunk division:



Multiple Stem Tree – Mid Division

### Multiple Stemmed Trees – Low Division

When trunk division begins below one (1) foot above ground, the tree is to have each stem measured at four and one-half (4½) feet above ground, and then calculating the sum of adding the largest diameter stem and half of the diameters of all remaining stems:



Multiple Stem Tree – Low Div

## **6. TREE PROTECTION REQUIREMENTS DURING CONSTRUCTION**

All Protected Trees located on private property and upon adjacent rights-of-way or public property where construction work is occurring and heavy machinery, which is capable of damaging trees or compacting soil, is being operated shall be protected from damage by means of the requirements stated herein. Both the property owner and the agent of the property owner violating the ordinance shall be jointly liable.

### **A. ABOVE GROUND TREE PROTECTION REQUIREMENTS**

1. All Protected Trees shall be protected with temporary fencing placed along the Tree Protection Area (TPA) when within fifteen (15) feet of a Construction Zone. The TPA shall protect at a minimum the area designated as the Critical Root Zone (CRZ), which is calculated as eighteen (18) inches of radius for every one (1) inch to tree trunk DBH.
2. Temporary fencing for the TPA may be made of wood, metal, or plastic with metal posts set no further than 3ft apart.
3. Heavy-duty cardboard signs reading "Tree Protection Area – Do Not Enter" in block letters two inches or larger shall be affixed to the temporary fencing every fifty feet on center.
4. Construction materials shall not be stored within the fenced TPA and shall not be stored on the construction site to cause the natural drainage flow to be diverted toward the protected trees.
5. A Tree Survey and Tree Protection Plan shall be provided to the Planning Director and Urban Forester prior to the demolition of a structure, new construction of a structure, or construction of an addition to a structure which will result in an increase of 50 percent or more of lot coverage on the property or at the request of the Urban Forester when potential tree damage may occur. ANSI A300 (Part 5) Management of Trees and Shrubs During Site Planning, Site development, and Construction is a recommended resource for developing a Tree Protection Plan.

### **B. BELOW GROUND TREE PROTECTION REQUIREMENTS**

1. Protected Trees shall also have their roots protected and kept in undisturbed, uncompacted soil within the Critical Root Zone. No excavation or trenching shall be permitted in the CRZ for any construction project, including the installation of underground utilities, without authorization by the Planning Department and Urban Forester. Tunneling or other Trenchless Technology Methods may be permitted at thirty six (36) inches or greater below soil height but not within two (2) feet of the trunk to avoid damage to a potential tap root with authorization of the Urban Forester. In the case of trees four (4) inch DBH or less, special consideration may be authorized by the Tree Commission and Urban Forester to modify the tree planting location within the CRZ.
2. Any underground utility installation or modification that impacts Protected Trees due to underground conflicts between existing underground utilities and tree roots are specifically subject to the review and approval of the Urban Forester before the project begins.
3. Soil disturbance or excavation in proximity to, but outside of, the TPA will be conducted in such a way that excavated soil or other underground materials will not be placed within the TPA. Tree roots 2 inches or larger found in proximity to, but outside of, the TPA which have been cut, torn, unearthed, lifted, or otherwise damaged shall have a final, accurate cut with a sharp tool which has been cleaned and/or sanitized prior to cutting. Tree roots will then be buried below the

original grade to provide for proper root healing and to avoid the spread of potential tree root pests and pathogens. Wound dressing is not necessary or recommended.

## **7. TREE PROTECTION PLAN**

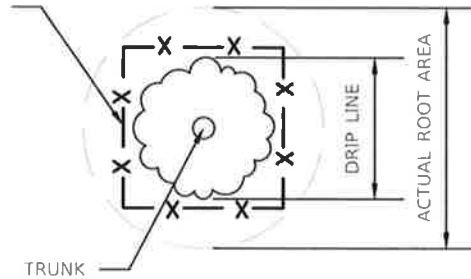
The Tree Protection Plan shall include an accurate depiction of:

1. A Tree Survey indicating the species and location of all existing trees upon the property and within fifteen (15) feet of the lot lines on an adjoining property, with a six (6) inch DBH or greater, and existing trees of any size located on the adjacent rights-of-way. The survey shall also include an opinion, from a Certified Arborist, of the condition and form of each tree.
2. Notification of any tree designated as a protected native plant, as listed in the New York State Compilation of Codes: Title 6. Department of Environmental Conservation, Chapter II. Lands and Forests, Part 193. Trees and Plants.
3. The location and type of protective fencing to be placed on the property and adjacent rights-of-way;
4. The location of Critical Root Zone areas and the types and locations of protection to be provided to minimize damage to tree roots adjacent to the Critical Root Zone, such as wood chips and other non-compacting temporary surfaces meant for machinery operation;
5. A description of other required tree preservation procedures, such as root pruning, root air excavation, crown pruning, and the like;
6. The location, shape, and spatial arrangement of all temporary and permanent driveways, parking areas, and temporary material storage sites and access ways; and
7. The location of proposed and existing utility services including water, sewer, electric, gas, and telecommunications, that may impact existing Protected Trees.
8. It shall be the responsibility of the property owner and the agent of the property owner to treat, remediate, or remove and then replace the value lost value of any tree that exhibits signs of deterioration within one year from the time of any authorized installation of underground utilities within the Critical Root Zone that may be attributed to damage incurred during underground utility installation.
9. If a Grading and Drainage Plan is required by some other provision of the code, the Tree Protection Plan shall either be incorporated into the required Grading and Drainage Plan or the Tree Protection Plan shall depict the limits of land disturbing activities and the existing and proposed grading of the development, showing spot elevations and/or contour lines at one-foot intervals.
10. The Planning Director may require the applicant to provide any additional information the Director deems necessary to determine whether the Tree Protection Plan complies with the requirements and the stated policy and purpose of the City of Kingston's Form-Based Zoning Code.

## TREE PRESERVATION

### PRIVATE PROPERTY TREES:

CONSTRUCTION FENCING PERIMETER WITH METAL POSTS SET NO FARTHER APART THAN 3-FT CENTERS (MAX.) SO FENCING WILL REMAIN STABLE THROUGHOUT CONSTRUCTION. FENCING SHALL BE MAINTAINED DAILY.

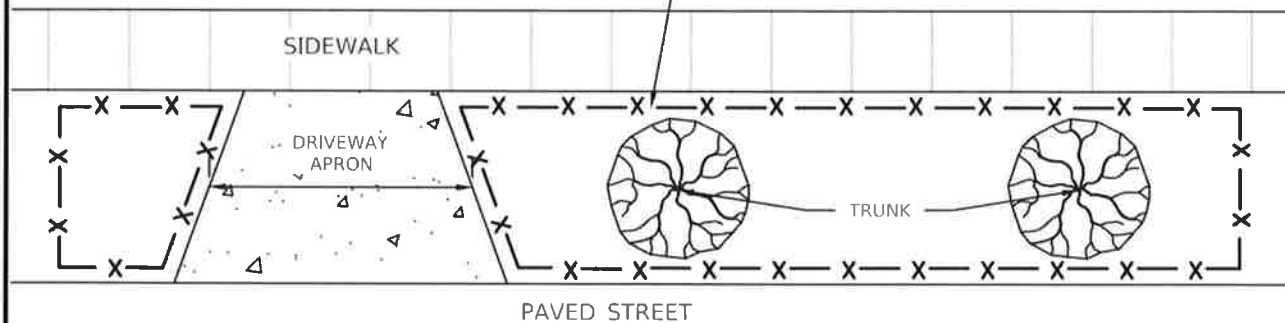


ROOTS OF TREES EXTEND FAR BEYOND THE TREES CANOPY. TO PROTECT THESE ROOTS, PLACE CONSTRUCTION FENCING AROUND THE CRITICAL ROOT ZONE (CRZ = 1.5' x DBH) OF THE TREE. THE IMPACT OF CONSTRUCTION ON THE TREE WILL LARGELY BE DETERMINED BY THE AMOUNT OF SPACE GIVEN FOR THE TREE PROTECTION AREA.

### PARKWAY TREES:

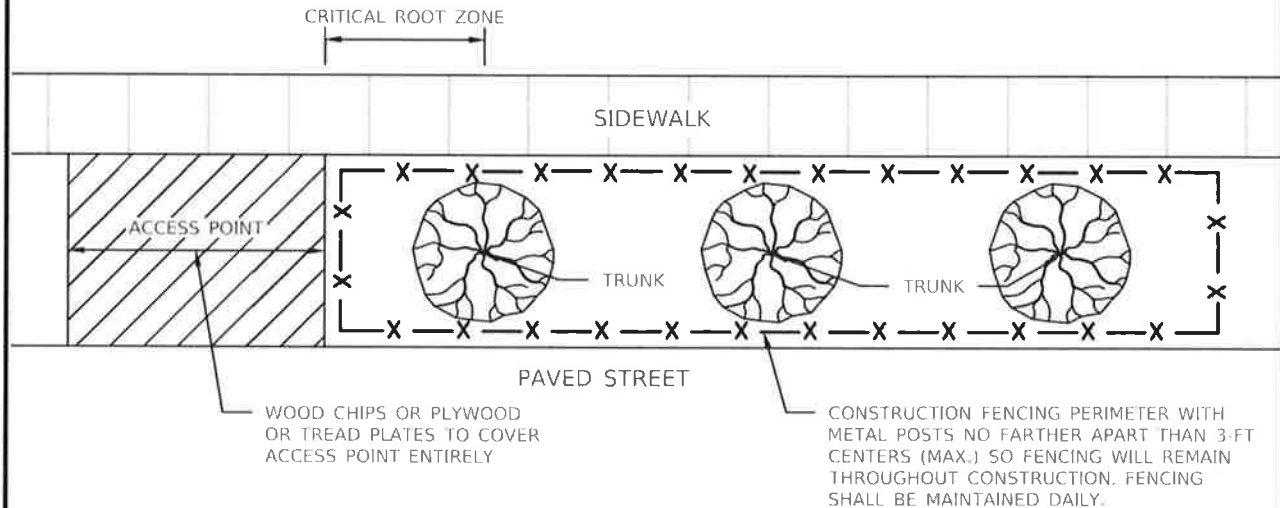
GENERALLY THE ROOT SYSTEM OF A PARKWAY TREE ONLY EXTENDS FROM THE TRUNK TO THE END OF THE PARKWAY ON THE STREET SIDE OF THE TREE. THE ROOTS ON THE SIDEWALK SIDE CAN RUN UNDERNEATH THE WALKWAY AND ONTO PRIVATE PROPERTY. IT IS VERY IMPORTANT TO FENCE OFF THE ENTIRE PARKWAY (OR AS APPROVED BY THE VILLAGE FORESTER) TO MINIMIZE THE DAMAGE TO THE ROOT SYSTEM OF THESE TREES. PLEASE REFER TO THE DETAIL BELOW FOR THE PROPER INSTALLATION OF PARKWAY TREE FENCING.

CONSTRUCTION FENCING PERIMETER WITH METAL POSTS SET NO FARTHER THAN 3-FT CENTERS (MAX.) SO FENCING WILL REMAIN STABLE THROUGHOUT CONSTRUCTION. FENCING SHALL BE MAINTAINED DAILY.



## PARKWAY TREE FENCING WITHOUT DRIVEWAY:

IF THE PROPERTY DOES NOT HAVE DRIVEWAY ACCESS, AN ACCESS POINT TO THE FRONT OF THE PROPERTY ACROSS THE PARKWAY IS PERMITTED AS APPROVED BY THE VILLAGE FORESTER. THIS ACCESS POINT MUST BE CONSTRUCTED TO PREVENT SOIL COMPACTION AND DAMAGE TO PARKWAY TREES ROOT SYSTEMS. THE GENERAL CONTRACTOR OR OWNER MUST FENCE OFF THE PERIMETER OF THE PARKWAY UP TO THE DESIGNATED ACCESS POINT. A MINIMUM OF 10" OF MULCH, PLYWOOD, OR OTHER MEANS APPROVED BY THE VILLAGE FORESTER MUST BE PLACED ACROSS THE ENTIRE ACCESS POINT. THIS MUST BE MAINTAINED DAILY THROUGHOUT THE DURATION OF THE CONSTRUCTION ACTIVITY.



## CONSTRUCTION DANGERS TO BE AWARE OF:

**COMPACTION:** MINIMIZE THIS TYPE OF DAMAGE BY FENCING TREES TO THE DRIPLINE. A MAJORITY OF A TREES ROOTS ARE LOCATED IN THE TOP 18-24" OF SOIL AND CAN SPREAD TWO TO THREE TIMES FURTHER THAN THE BRANCHES. THEY ARE THE VITAL SUPPORT STRUCTURE AND WATER/NUTRIENT PROVIDER FOR THE TREE. LARGE EQUIPMENT (BOBCATS, LOADERS, CEMENT TRUCKS, ETC.), IF DRIVEN OVER THIS AREA, WILL REDUCE THE PORE SPACE IN THE SOIL. THERE WILL BE LESS WATER AND OXYGEN AVAILABLE IN THE SOIL BECAUSE OF THIS ACTIVITY. THIS WILL CAUSE THE TREE TO "STARVE" SINCE ITS ROOTS WILL BE DAMAGED AND NOT ABLE TO ACCESS THE WATER AND NUTRIENTS THEY NEED.

**TRUNK DAMAGE/BROKEN BRANCHES:** PREVENT THIS DAMAGE BY PRUNING LOW HANGING BRANCHES ON CONSTRUCTION SITES TO AVOID BREAKING & RIPPING THEM WITH TRUCKS AND OTHER CONSTRUCTION EQUIPMENT. IF THERE ARE LOW HANGING BRANCHES ON PARKWAY TREES CONTACT PUBLIC WORKS AT 847-853-7500. INSTALLATION AND MAINTAINING TREE PROTECTION FENCING WILL KEEP SKIDDERS, BOBCATS, ETC. FROM DAMAGING THE TRUNK. WOUNDS CAUSED IN THIS MANNER LEAVE SOURCES OF INFECTION FOR PATHOGENS. THIS WILL CAUSE THE TREE TO BE STRESSED AND SUSCEPTIBLE TO DISEASE AND DEATH.

**TRENCHING:** SEWER, WATER AND OTHER UTILITIES ARE PLACED UNDERGROUND. THE INSTALLATION OF THESE UTILITIES VIA TRENCHING CAUSES TREMENDOUS DAMAGE TO THE ROOT SYSTEM OF THE TREE. TRENCHING EQUIPMENT WILL TEAR & SEVER A LARGE PORTION OF THE ROOT ZONE RESPONSIBLE FOR WATER & NUTRIENT UPTAKE. THIS WILL PROVIDE A SOURCE OF INFECTION FOR FUNGUS & OTHER PATHOGENS LEADING TO TREE STRESS, DISEASE PROBLEMS, WEAK LIMBS, AND DEATH. ANY OPEN CUT TRENCHING WITHIN THE DRIPLINE OF ANY TREE MUST BE APPROVED BY FORESTRY AND ENGINEERING.

IF ANY CONFLICTS WITH TREES ARISE PER THE IEPA SEWER AND WATER SEPARATION REQUIREMENTS, PLEASE CONTACT PUBLIC WORKS PRIOR TO ANY WORK.

## **8. TREE PRUNING AND REMOVAL PERMITTING**

### **A. Protected Tree Removal/Pruning Requirements of a Property Owner**

A Tree Removal/Pruning Permit is required for tree work on all Protected Trees within the public right of way and all trees on private property that are six (6) inch DBH (Diameter at Breast Height) or greater, or trees otherwise categorized under the Protected Tree(s) designation. Both the property owner and the agent of the property owner violating the ordinance shall be jointly liable. Penalties for the removal of a tree without a permit shall be a fine reflecting the Tree Value as outlined in Ch. 13: Protected Tree Value Replacement Fees.

Permits are to be filed with the Urban Forester or the Planning Department. Only with authorization by the City Tree Commission can removal of a Protected Tree be performed on public property or within the public right of way. Upon approval of the Urban Forester, the Tree Removal Permit authorization will be expedited or waived for the removal of dead, dying, diseased, hazardous, and invasive trees.

If you are unsure of what requirements apply for your permit, see the Permit Flow Chart within this ordinance or contact either the Urban Forester or the Planning Department.

### **B. Protected Tree Removal Requirements of the City of Kingston**

Authorization by the City Tree Commission is required for the City of Kingston to remove Protected Trees within the public right of way or on city-owned property, and notification of nearby property owners shall occur before a public Protected Tree is removed (except in cases of emergency) by notifying the abutting property owner directly and posting a sign on the subject tree(s) for a period of at least thirty business days before removal. Information such as an arborist report and any test results leading to the City of Kingston's removal determination shall be made available to City residents upon request. Documentation of public protected trees that have been removed shall be forwarded to the City Tree Commission.

Pruning of trees within the public right of way and on city-owned property shall be performed as deemed necessary to manage tree health and public safety by a Forestry Technician employed by, or a tree service contracted by, the City of Kingston.

## **9. TREE REMOVAL PERMIT REVIEW BY CITY TREE COMMISSION**

In determining whether or not a Tree Removal Permit shall be granted, and, if granted, whether conditions should be included with the permit, or denied, the Tree Commission shall consider, in order, the following:

1. If there is a need for the action to be taken promptly, in that the tree is a hazard and:
  - (a) Endangering the public or public property.
  - (b) Endangering the owner, occupant, or property of the owner/occupant.
  - (c) Endangering an adjoining property owner, occupant, or the property of an adjoining property owner.
2. The condition and species of the tree with respect to overall health, damage, disease or insect conflict, interference and potential interference with utility services, and proximity to existing trees,

existing structures or proposed structures.

3. The environmental impact of the tree removal, including, but not limited to, the effect of the tree removal on erosion, soil moisture retention, steep slopes, flow of surface waters and drainage, CO<sub>2</sub> and breathable particulate removal, ecosystems supporting wildlife, or any other environmental factor, and the aesthetic composition of the land and surrounding area.
4. The impact to the flow of sidewalk traffic, including ADA-compliance of sidewalk composition and grade, prioritizing any and all remediation actions, including, but not limited to, reconstruction of the sidewalk to accommodate tree growth while allowing flow of pedestrian traffic, in order preserve the tree and its benefits.
5. The necessity of the tree removal to achieve the applicant's goals, including, but not limited to, whether the location of the tree prevents the property owner from undertaking otherwise proposed construction or alteration (including, but not limited to, teardowns, renovations and/or expansions) and the possible or practicable alternatives to the tree removal, including relocation of improvements.
6. Whether the proposed tree removal will cause injury to, cut, damage, destroy or remove more trees than is reasonably necessary to achieve the goals of the applicant, or is inconsistent with the stated purposes of this chapter and the standards and specifications in this section and in the City of Kingston Tree Preservation Ordinance.
7. The necessity of the tree removal to achieve the applicant's goals for Forest Stand Improvement or other stewardship plans for ecosystem benefits, in which case the Tree Commission may ask for documentation of land management plans.
8. Any other considerations of land use and the general welfare and overall environment of the area.
9. The species of the tree and whether any tree in question is a tree worthy of preservation due to unusual characteristics such as age, history, size, rarity, financial value, visual and cultural importance to the surrounding community.

#### **10. HAZARD TREE NOTICE AND REMOVAL**

1. In the event that the Department of Public Works, Planning Department, Urban Forester, or other City Department is notified by a property owner of a Protected Tree which has a high likelihood of failure of the whole tree or a tree part and appropriate proof related to the condition of the Protected Tree, and makes a determination that a Protected Tree poses a hazard to public safety, property, or disruption of services which cannot be mitigated without the removal or pruning of the Protected Tree or Tree Part, the Urban Forester shall have the right to determine the tree to be a Hazard Tree and grant immediate approval for the removal of said tree and to waive all notifications and Tree Removal Permits as required for regulated tree removals. In the event that such emergency approval is granted, the Urban Forester will provide a report to the Tree Commission detailing the hazard present from the tree and actions taken.
2. In the event of catastrophic weather where widespread tree damage has occurred for multiple properties, the Mayor may declare a suspension of the Hazard Tree Notice requirements, as set forth above, for a specified period of duration and within specific areas. The Urban Forester, Department of Public Works, and the Planning Department shall have the authority to require appropriate remediation in accordance with Tree Preservation Ordinance standards.

**3.** A property owner shall coordinate with the Urban Forester necessary information regarding the removal or pruning of a Protected Tree when such action is proven necessary for the immediate protection of public health, safety or property. The following will apply:

**A.** If a Protected Tree is removed or pruned pursuant to this subsection, within five (5) business days after such act, the person on whose property the tree is located must submit a Tree Removal/Pruning Permit application to the Urban Forester or Planning Department.

**B.** The Urban Forester may require photographs, documentation of tree evaluation if tree removal work was completed by a professional tree service, or other appropriate documentation explaining and confirming the nature of the immediate hazard. This information will be compiled in a report submitted by the Urban Forester to the City Tree Commission to address the emergency authorization. In the event three or more Protected Trees have been removed, a tree report from a Certified Arborist may be required in addition to any other required documentation.

## **11. REQUIREMENTS OF UTILITY SERVICE PROVIDERS**

### **1. Requirements for Tree Work During Planned Utility Work**

Utility Service Providers or Contractors thereof intending to prune, cut, modify, or remove Protected Trees shall submit a Tree Removal/Pruning Permit to the Urban Forester providing details and agreements to all conditions listed within this chapter, with the exception of prior vegetation management permissions granted in previous contracts with, or laws of, the City of Kingston, Department of Transportation, Ulster County, or New York State. It shall be a requirement to retain the services of a suitably insured and certified Consulting Arborist (CA). The CA shall act as the liaison between the City of Kingston and the Utility Service Provider. The CA shall work with the Utility Service Provider to ensure that any utility work that occurs within the Critical Root Zone or the Dripline of Protected Trees is performed according to the standards of City of Kingston Tree Ordinance.

The CA shall be involved in projects that impact Protected Trees during the planning/design and construction phases. This work shall include the following steps:

**A.** The utility company identifies all proposed work within the Critical Root Zone or under the drip line of a Protected Tree(s) and retains a CA. The utility company must give the CA as much notice as reasonably possible.

**B.** The CA shall provide the City Tree Commission, Department of Public Works, and the Urban Forester with a survey of all the trees impacted by the planned construction work. This survey provides the basic information needed for a Tree Pruning/Removal Permit and shall include the following:

- (i.) Species, DBH, a 5-point condition rating (1. specimen, 2. above average, 3. average, 4. below average, 5. very poor/dead), and parcel address of each Protected Tree involved.
- (ii.) Pruning or other tree work methods for work within the CRZ and under the tree dripline. (Topping shall not be permitted, all methods shall comply with best practices for tree maintenance as defined in the ANZI A300 Tree Care Standards.)



- (iii.) If the Utility Service Provider is requesting authorization for the removal of a Protected Tree due to unavoidable conflict with planned construction project.
- (iv.) Type, size, and location of each utility.
- (v.) Distance of each service from tree measured as pipe/line center to tree center on a horizontal plane.
- (vi.) Duration of entire construction project (days), including predicted time between utility work and final pavement restoration.
- (vii.) Digital photographs shall be taken as part of the survey phase as needed to document trees prior to construction.

## **2. REQUIREMENTS FOR AUTHORIZATION OF PROTECTED TREE REMOVAL DURING PLANNED UTILITY WORK**

A Utility Service Provider seeking an Authorization from the City Tree Commission for the removal of a Protected Tree(s) shall take the following steps.

- A.** Submission of a Tree Removal/Pruning Permit by the Utility Service Provider or the CA which shall include reasoning for removal and supporting documentation.
- B.** For a Protected Tree(s) rated as condition 1-3 (specimen, above average, average) in a provided survey, and not identified as a hazard, and which Protected Tree(s) is being requested to be removed, the Utility Service Provider or the CA shall provide determination of the Protected Tree as a candidate for relocation, and expected expenses and feasibility of relocation for any Protected Tree(s). "Suitable" shall be understood as the Protected Tree(s) having a high likelihood of successful transplant and normal development.
- C.** If the tree cannot be transplanted, the Urban Forester will assess the condition according to the Protected Tree Value Replacement Fees outlined in Ch. 13. Protected Tree Value Determination. The Urban Forester will deduct the appropriate condition percentage from the basal area to determine the replacement value of the tree and the required fee or number of required replacement trees.
- D.** The tree removal permit authorization will detail the conditions for restitution by the permittee to the City of Kingston.
- E.** After the tree survey is given to the City Tree Commission, Department of Public Works, and the Urban Forester, the agency will review the survey and visit the site as required. Any changes will be discussed with the CA and incorporated into a revised survey and permit application. This application evaluation process should take no longer than five (5) working days to complete. Although the permit application to allow utility work adjacent to the trees can be made at any point prior to the start of construction, DPR will only issue the permit within seven (7) working days prior to the start of construction.
- F.** The CA shall notify the Department of Public Works and the Urban Forester 24 hours before the start of tree work, and shall be present each work day to monitor tree impacts, and shall notify the Urban Forester immediately if tree conflicts arise during the course of work.
- G.** The CA shall submit a weekly progress report to the Urban Forester for projects that are not completed within five (5) days.
- H.** The CA shall notify the Department of Public Works and the Urban Forester when work is complete, and if there is subsequent remedial work to be performed such as pruning of damaged limbs. This work will need to be completed by a suitably insured and certified tree company, at the cost of the utility company, and monitored by the CA.

I. Pavement restoration must be completed within fourteen (17) working days. The CA must monitor this work.

J. The CA shall notify the Department of Public Works and the Urban Forester as to the completion of the project. Upon project completion, the Urban Forester to conduct a final inspection to review compliance and completion of all conditional standards from the initial project authorization.

### **3. Exemption for Emergency Utility Actions**

In emergency situations where pruning or removal of the tree, or excavation within the Critical Root Zone, is immediately required to restore or repair utilities, the Utility Service Provider or Contractor of the Utility Service Provider responding to the emergency is authorized to perform work as needed to mitigate the emergency and restore utility functions. Photographs of the tree conflict involved in the utility emergency and an incident report may be requested by the Department of Public Works or the Urban Forester.

## **12. REPLACEMENT STANDARDS FOR PROTECTED TREES WITHIN THE PUBLIC RIGHT OF WAY**

1. When a tree or trees are proposed to be removed from the public right of way, the replacement tree or trees shall be planted on site in a location in proximity to the street and/or sidewalk to provide shading and stormwater runoff mitigation of paved surfaces. Replacement trees in the public right of way, when reaching mid-maturity, shall provide shade to a surface area of at least 75%, and shall absorb a volume of stormwater of at least 75%, of the tree or trees proposed to be removed from the public right of way. Replacement trees in the public right of way shall not, when at a size mid-maturity, interfere with above or below ground utilities.
2. Replacement trees to be planted on site shall be equal to at least 95% of the environmental value of the trees proposed to be removed; provided that, if the property is considered an Undeveloped Forest and the permit is sought in connection with a building permit to build a residence or residences or a commercial facility, or in connection with any site plan approval, then the environmental value of the replacement trees planted on site shall be equal to at least 75% of the environmental value of the trees proposed to be removed.
3. The environmental value of removed and replacement trees shall be determined by using the iTree methodology provided by the U.S. Forest Service, the Arbor Day Foundation's National Tree Benefit Calculator, or other methodology selected by the applicant and deemed acceptable by the Tree Commission. In calculating the percentages specified above, the applicant shall match the environmental values (gallons of stormwater absorption, and pounds of CO2 removal) when the any and all replacement trees reach a trunk DBH of eight (8) inches.
4. All new trees to be planted must be a species approved by the Urban Forester and Tree Commission, which shall be referenced to an approved species planting list. The location of the replacement trees shall be satisfactory to the Tree Commission, who shall take into consideration the topography of the site and the potential for stormwater runoff onto other properties and public streets.
5. Planting of replacement trees are not required if and to the extent the Tree Commission determines that the removal of trees on a property is required as part of good forestry practice

to improve the health of remaining trees. Planting of replacement trees is not required to replace invasive species of trees which are removed, and in no event shall any invasive species of trees or plants be planted as replacements.

6. If a tree approved for removal is designated by the New York State Department of Environmental Conservation as a protected native plant, the environmental value of such tree must be replaced by a native tree or trees and additionally any permit must be subject to any and all approvals required by the New York State Department of Environmental Conservation.
7. If an applicant has violated this chapter and is seeking a tree removal permit, the replacement tree standard is 120% of the environmental value of the trees cut down, removed, topped, excessively pruned, injured, damaged, wounded, broken, killed or destroyed, or, depending on site characteristics, such other percentage deemed acceptable to the Urban Forester and Tree Commission.

### **13. PROTECTED TREE VALUE DETERMINATION**

To limit the number of unnecessary removals, and to replace canopy when trees need to be removed, the following replacement requirements will apply when healthy trees are being removed without replacement trees.

#### **A. Value Replacement**

When a Protected Tree is proposed to be removed and not replaced, in the terms outlined within the Tree Removal Standards, the value of the removed tree shall be paid as the Basic Reproduction Cost to the City of Kingston. This value is calculated via the scoring system and Trunk Formula Technique as outlined in the Guide for Plant Appraisal (International Society of Arboriculture, 2000, 9th Edition). This technique extrapolates the costs to purchase the largest, commonly available nursery trees from which the sum of the combined nursery tree trunk DBH measurements equal the size of the appraised tree. This technique then deducts the appropriate condition percentage from the basal area to determine the replacement value of the tree and the final number of required replacement trees.

#### **Trunk Formula Technique:**

##### **Basic Reproduction Cost = CSA x UTC**

CSA = Cross-sectional area of the subject tree, which is the radius of the trunk at breast height, squared, multiplied by Pi (3.14).

UTC = Unit tree cost, which is cost of the largest nursery tree as determined by the Regional Plant Appraisal Committee (RPAC) or local wholesale cost.

#### **B. Heritage Trees**

Some trees have been identified as particularly valuable and are considered Heritage Trees. Heritage Trees are defined as any tree:

-Twenty (20) inches or greater in DBH

-Any native Oak (*Quercus* spp) or Hickory (*Carya* spp) tree that is 10" or greater in DBH

-Any tree 3 (3) inches or greater in DBH designated as a protected native plant in the New York State Compilation of Codes

**(i.) Heritage Tree Value Replacement**

In addition to the Protected Tree Value Replacement fee, the removal of a Heritage Tree, when determined to be healthy, is subject to the following replacement schedule:

Heritage Trees		
Type of Tree	Size	Additional Fee in Lieu of Replacement
All Species	20"+	\$150/Inch
Oak & Hickory	10	\$150/Inch
Protected Native Tree 3"+	3" and greater	\$150/Inch

**(ii.) Additional Approval for Heritage Trees**

The removal of a healthy Heritage Tree on public or private property shall require review by the City Tree Commission, where approval may or may not be granted. For Heritage Tree removals related to building demolition, new building construction, and building addition construction, additional review will be referred to the Kingston Planning Board. If the removal is authorized, the property owner may remove the tree upon fulfilling the permit requirements including tree replacements or fees as described in the Ch. 12 Protected Tree Replacement Standards and the Ch. 13 Protected Tree Value Replacement Fees.

(a) If approval is not granted through the Tree Commission review process, the property owner may bring the request to the City of Kingston Common Council through their regular process.

(b) The removal of healthy Heritage Trees for the purpose other than demolition, new home construction, addition construction, and detached garage construction, is required to be reviewed by the City Tree Commission through their regular process.

(c) For Heritage Trees deemed not to be removed by the City Tree Commission and the Kingston Planning Board, the Urban Forester will determine if the tree can be properly protected during construction. If the tree will not survive construction, replacement requirements shall be enforced and removal shall be permitted.

**(iii.) Neighbor Notification for Heritage Tree Removal**

Written notification of neighboring property owners or occupants is required when authorization to remove a healthy Heritage Tree is requested of the City Tree Commission. This notice is required to be provided to property owners and neighboring occupants within 200 feet of the tree requested to be removed. Notices are required to be provided at least 14 days prior to Permit Application review

by the City Tree Commission. Proof of written notification and a list of recipients is required for a removal to be authorized.

**(iv.) Notification Requirements of the City of Kingston for Heritage Tree Removal**

Heritage Tree Removal authorization by the City Tree Commission shall be required for the City of Kingston to remove a Heritage Tree within the public right of way or on city-owned property. Written notification to property owners within 200ft and posting a sign on the subject tree(s) for a period of at least thirty days prior to permit application review by the City Tree Commission (except in cases of emergency) shall be required. Information such as an arborist report and any test results leading to the City of Kingston’s removal determination shall be made available to City residents upon request. Documentation of public Protected Trees that have been removed shall be forwarded to the City Tree Commission.

**14. EXCEPTIONS FOR INVASIVE, EXEMPT, AND UNDESIRABLE SPECIES**

The tree species listed in this section shall be omitted from designation as Protected Trees, and are subject to different types of regulation. These lists may be amended as necessary.

**A. Invasive Species**

The requirement for replacement trees or fees in lieu will be waived for trees on the Invasive Species list. However, authorization of a Tree Removal Permit by the City Tree Commission is still required prior to removal of a tree on public property or within the public right of way.

Invasive Species List	
Common Name	Latin Name
Callery Pear	<i>Pyrus calleryana</i>
Norway Maple	<i>Acer platanoides</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
White Mulberry	<i>Morus alba</i>

**B. Exempt Species List**

Vegetation that does not require a Tree Removal Permit. The Urban Forester may determine other vegetation to be exempt if it is considered a woody shrub or bush.

Exempt Species List	
Common Name	Latin Name
Arborvitae	<i>Thuja spp.</i>
Sumac	<i>Rhus</i>
Yew	<i>Taxus spp.</i>

**C. Undesirable Species List**

Undesirable trees may grow to twenty (20) inches or greater in DBH but shall not be considered a Heritage Tree. Healthy Trees removed from this list shall be subject to the Protected Tree requirements. Issuance of a Tree Removal Permit Application is still required prior to removal of a tree on public property or within the public right of way.

<b>Undesirable Species List</b>	
<b>Common Name</b>	<b>Latin Name</b>
Austrian pine	<i>Pinus nigra</i>
Blue Spruce	<i>Picea pungens</i>
Scots Pine	<i>Pinus sylvestris</i>
Siberian elm	<i>Ulmus pumila</i>
Willow	<i>Salix spp.</i>

## **15. TREE PLANTING STANDARDS**

### **1. Approved Tree Species for Street and Open Locations**

The City of Kingston maintains a City-Approved Tree Species List independent from this document which is updated as information evolves on species suitability. This list can be provided by the Urban Forester, City Tree Commission, or Planning Department and is found on

the City of Kingston website: <https://kingston-ny.gov/urbanforestry>. Tree species listed in the Invasive and Undesirable Species Lists found in Ch. 14 Exceptions For Invasive, Exempt, and Undesirable Species will not be approved as replacement trees within the public right of way and should be avoided for the benefit of local ecosystems. For additional information regarding tree replacements and planting, please contact the Urban Forester.

### **2. Native Species**

Planting species native to the region is recommended as they play an important role in ecosystems by preserving and promoting biodiversity. In addition, many beneficial insects, birds and animals depend on native trees for food and shelter. They are also typically better suited for the environment as they are already adapted to the region.

### **3. Planting Site Requirements**

Trees planted in the urban environment require extra consideration in their location. Appropriate planting sites shall provide the tree the resources required for health and structural stability into maturity, and shall not conflict with above or underground utilities, paved surfaces, or public safety.

Urban tree health and longevity can be largely determined by available soil volume. Therefore, an adequate volume of uncompacted, loam soil in which water, air, and nutrients can percolate and roots can grow and shall be provided when planting a replacement tree. As tree species vary in overall mature size, adequate soil volume will be determined by the predicted mature size of the planned replacement tree. The minimum required soil volume shall be 1200 cubic feet for trees 55 feet or greater at mature height, 600 cubic feet for trees at 35-50 feet at mature height, and 240 cubic feet for trees 35 feet or less at mature height. Soil volume is measured to a depth of no greater than 3 feet, and shall not include compacted soil areas under pavement or open areas separated from the planting location by compacted soil or materials which block root expansion. The incorporation of Structural Soils, Soil Cells, or other technologies designed to provide uncompacted soil volume under pavement may be considered for providing additional soil volume once reviewed by the Urban Forester.

<b>Soil Volume Requirements for Tree Planting</b>		
<b>Size</b>	<b>Mature Height</b>	<b>Soil Volume Required</b>
Large	55ft or greater	1200 cu ft
Medium	35-50ft	600 cu ft
Small	35ft or less	240 cu ft

Trees shall not be planted within 30ft of the corner of an intersection, within 20ft of utility poles, or within 10ft of buried utilities, street signs, or driveway aprons. Spacing between trees shall be measured from the center of the newly planted tree's trunk to the center of the existing tree's trunk. Large trees shall not be planted

within 40ft of other large or medium trees, medium trees shall not be planted within 25ft of other large or medium trees, and small trees shall not be planted within 15ft of any other tree of any size.

#### **4. Planting Specifications and Requirements**

Planting specifications for trees in the public right of way or other city-owned properties shall follow the Minimum Standards for Tree Planting Projects as outlined by the New York State Department of Environmental Conservation:

1. Inspect nursery stock at time of delivery for damage and poor quality.
2. Planting holes shall be dug a minimum of two times larger than the diameter of the root system.
3. Trees shall be planted so that the root flare is exposed and at or slightly above ground level.
4. Strings and twine shall be removed from trunk of tree. Burlap and wire baskets shall be removed after one third of the planting hole has been backfilled and before remaining backfilling is completed.
5. Backfill with existing soil when suitable. Avoid using excessive amounts of organic matter. .
6. When light-sensitive species are exposed to direct sun, wrap lower trunk with a tree wrap. Remove wrap after first growing season.
7. Undyed hardwood or bark mulch shall be applied around the planted tree, 2-4 inches deep, in a circle 3 feet wide. The mulch edge shall be bermed to make a donut shape, and the mulch shall not touch the trunk above root flare.
8. Only dead, damaged or poorly located branches shall be pruned during planting using proper techniques.
9. Staking or guying trees may be needed to stabilize trees in the first year after planting. Staking and guying materials shall be fitted loosely to the tree to allow for trunk growth and shall not abrade, girdle, or otherwise damage the trunk. When stakes are utilized, stakes shall be removed one year after planting.
10. Newly planted trees shall be watered at the time of planting to fully saturate the planting area and root zone. To ensure the trees survival, watering to soak the root zone shall continue once per week, barring a minimum rain event of two inches, and more frequently during hot weather until the trees are established.
11. In caring for and handling trees prior to planting, all precautions customary in good trade practice will be taken.
12. A minimum one-year warranty is required for trees planted in contract with the City of Kingston.

#### **16. PROTECTED TREE REMOVAL PERMIT REQUIREMENTS**

##### **A. Protected Tree Removal/Pruning Permit**

When a Tree Removal/Pruning Permit is required, prior to receiving authorization, an applicant shall submit the following information on an application form to be provided by the City. Contact the City of Kingston Planning Department or the Urban Forester to request a copy of the permit application or visit the City website at [www.kingston-ny.gov/urbanforestry](http://www.kingston-ny.gov/urbanforestry).

1. The name, phone number, email address, mailing address, and property address of the abutting property owner where the tree is located.
2. The name, mailing address, phone number, and email address of the tree service solicited to perform the tree work.
3. Provide a description of the Protected Tree species or common name and DBH.
4. Disclose if the tree's trunk resides on the Property Line and is therefore Jointly Owned.
5. If the tree is categorized as a Heritage Tree, provide proof of Neighbor notification.



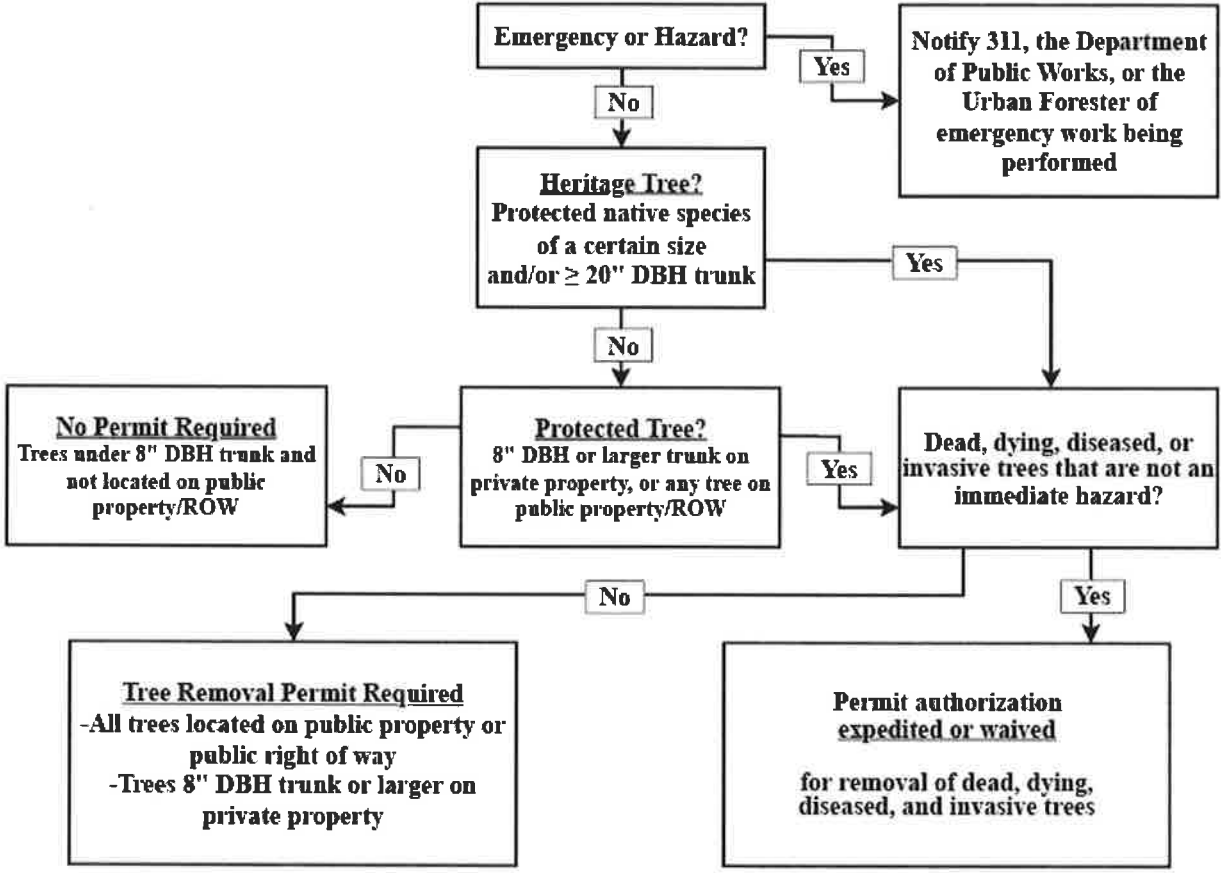
The Urban Forester will review the Tree Removal Permit Application which will include an inspection of the site and/or meetings with the applicant to discuss the removal and/or provide any alternatives. Upon receipt of a properly filed application, review by the City Tree Commission will occur for any tree on public property, within the public right of way, or qualified as a Heritage Tree. Upon approval, a permit will be issued with required compliance of the standard conditions of the City Tree Commission. Upon approval, the applicant shall be responsible for all fees and/or required replacement trees as specified by the urban Forester or City Tree Commission.

If you are unsure of what requirements apply for your permit, contact the Urban Forester or the Planning Department.

**B. JOINTLY OWNED TREES**

Protected Trees shall be considered any tree(s) which has any portion of its trunk, where that trunk emerges from the ground, located across the boundary line of two or more properties when such properties are not owned by a single party. In these cases, a Jointly Owned Tree Removal Form, signed by all parties, must be submitted to the Urban Forester along with the Protected Tree Removal Permit. Authorization shall not be issued without this document.

**City of Kingston  
Tree Removal/Pruning Permit  
Application Process**



**This workflow process document is a general guide and may not include all required documents, conditions, or processes prior to the issuance of a Tree Removal/Pruning Permit.**

**Please contact the Urban Forester for more information.**

**City of Kingston**

**NOTIFICATION TO ADJACENT PROPERTY OWNERS REGARDING TREE PROTECTION DURING CONSTRUCTION**

A copy of this notice is to be given to all adjacent property owners/occupants as required below.

**Address of Subject Property** \_\_\_\_\_  
**Name of Property Owner** \_\_\_\_\_  
**Phone No. of Property Owner** \_\_\_\_\_  
**Name of Contact Person** \_\_\_\_\_  
**Phone No. of Contact Person** \_\_\_\_\_

**PLEASE BE ADVISED** that a building permit application has been submitted to the City of Kingston for the above-referenced property. Pursuant to City of Kingston Form-Based Code no building permit subject to the notification requirements can be issued by the City until five (5) business days after receipt of notice by any and all adjacent property owners.

Notice is being provided to you as an adjacent property owner whose property contains one or more trees within 15' of the property lot line. This notice is intended to give you the opportunity prior to the initiation of construction to discuss what impact, if any, there may be to the tree(s) on your property. You may contact the person(s) listed above in this regard.

Should you have additional questions regarding the requirements, feel free to contact the Urban Forester at (845) 334-3927.

**City of Kingston**  
**Notice of Construction/Tree Protection**  
**Affidavit of Compliance**

**INSTRUCTIONS:**

1. Identify all adjacent properties that contain a tree within 15 feet of the property line.
2. For all properties identified in #1 above, serve written notice, in the form provided by the City, upon all persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, and all parties residing on or in possession of any portion of the property. Notice may be served by first class mail or by hand delivery.
3. Complete this Affidavit with the information requested below and submit to the City.

**ADDRESS OF SUBJECT PROPERTY:** \_\_\_\_\_

I, \_\_\_\_\_, state upon oath that I have complied with the applicable (Print Name of Person Completing Affidavit) notice requirements of the City of Kingston Tree Preservation Ordinance in that (*check A or B*):

- A. There are no adjacent properties that contain a tree within 15 feet of the property line.
- B. Written notice has been served and received by all adjacent property owners who have a tree within 15 feet of the property line as identified below.

Address of Adjacent Property	Name of Property Owner(s)	Hand Delivery	First Class Mail	Date Received

Subscribed and sworn before me  
 this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC

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<b>NOTIFICATION TO ADJACENT PROPERTY OWNERS/OCCUPANTS REGARDING HERITAGE TREE REMOVAL</b>
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A copy of this notice is to be given to all adjacent property owners as required below.

**Address of Subject Property** \_\_\_\_\_  
**Name of Property Owner** \_\_\_\_\_  
**Phone No. of Property Owner** \_\_\_\_\_  
**Name of Contact Person** \_\_\_\_\_  
**Phone No. of Contact Person** \_\_\_\_\_

**PLEASE BE ADVISED** that a Tree Removal Permit Application has been submitted to the City of Kingston for the above-referenced property. Pursuant to City of Kingston Tree Preservation Ordinance Neighbor Notification shall be provided at least fourteen (14) business days prior to the removal of any Heritage Tree.

Notice is being provided to you as an adjacent property owner or occupant to give you the opportunity prior to the proposed removal of tree(s) to discuss what impact, if any, there may be. You may contact the person(s) listed above in this regard.

Should you have additional questions regarding the requirements, feel free to contact the Urban Forester at (845) 334-3927.

## City of Kingston Notice of Tree Removal Affidavit of Compliance

**INSTRUCTIONS:**

1. Identify the adjacent properties that are next to, directly behind, and directly across the street from the subject property.
2. For all properties identified in #1 above, serve written notice, in the form provided by the City, upon all persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, and all parties residing on or in possession of any portion of the property. Notice may be served by first class mail or by hand delivery.
3. Complete this Affidavit with the information requested below and submit to the City.

**ADDRESS OF SUBJECT PROPERTY:** \_\_\_\_\_

I, \_\_\_\_\_, state upon oath that I have complied with the applicable notice  
(Print Name of Person Completing Affidavit) requirements of the City of Kingston Tree Preservation Ordinance.

Address of Adjacent Property	Name of Property Owner(s)	Hand Delivery	First Class Mail	Date Received

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Applicant Completing Affidavit)

\_\_\_\_\_  
Date

I hereby certify that the statements in this Affidavit are true and correct. I understand that any false or inaccurate information contained in or in connection with this Affidavit may result in prosecution under the City of Kingston Tree Preservation Ordinance, in addition to any other civil or criminal penalties provided by law, including but not limited to revocation of this permit.

**CITY OF KINGSTON**  
**Kingston Tree Commission**  
 planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

**Jointly Owned Tree Removal**

When there is no agreement or court order stating otherwise, a tree that is located on two or more sides of a property boundary line may be considered a jointly owned tree of all property owners abutting the property line. Accordingly, all property owners may be responsible for any violations of the tree regulations of the City of Kingston Tree Preservation Ordinance.

As such, permission must be granted by all parties prior to the issuance of a Tree Removal Permit. Prior to any permits for removal of a jointly owned tree being issued, the City requires authorization from both parties as shown below.

We, the owners of the properties in the City of Kingston, New York, each agree to grant the removal of the specified tree(s) below from all properties:

<b>Tree Species</b>	<b>DBH</b> (Diameter at Breast Height)	<b>Location</b> (Front, Side or Rear Yard)

\_\_\_\_\_  
 Property Address                      Owner Name (Printed)                      Owner Signature                      Date

\_\_\_\_\_  
 Property Address                      Owner Name (Printed)                      Owner Signature                      Date

\_\_\_\_\_  
 Property Address                      Owner Name (Printed)                      Owner Signature                      Date

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, REFERRING AMENDMENTS TO THE KINGSTON FORWARD FORM BASED CODE FOR REVIEW TO THE CITY OF KINGSTON PLANNING BOARD, ULSTER COUNTY PLANNING BOARD, AND THE HISTORIC LANDMARKS PRESERVATION COMMISSION AND SETTING A PUBLIC HEARING SCHEDULE**

Sponsored by:

**WHEREAS**, under Resolution 138 of 2023, the City of Kingston Common Council adopted a form-based zoning code, to describe the desired form and character for future improvements and preservation throughout the City called Kingston Forward; and

**WHEREAS**, also under Resolution 138 of 2023, the City of Kingston Common Council directed the creation of a Zoning Working Group to ensure the zoning code is meeting its intent and purpose and that it aligns with the City's comprehensive plan; and

**WHEREAS**, the Zoning Working Group has submitted to the Common Council proposed amendments; and

**WHEREAS**, § 405.8 M of the Kingston City Code requires zoning amendments to be referred to the Planning Board, the Historic Landmarks Preservation Commission ("HLPC"), and the Ulster County Planning Board and requires the Laws & Rules Committee to set a public hearing prior to the final action of adoption.

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

**SECTION 1.** That the Kingston Common Council refers the affixed draft amendments to the Planning Board and asks the Planning Board to provide a final report within 45 days in accordance with § 405.8 M.

**SECTION 2:** That the Kingston Common Council refers the draft amendments to the HLPC and asks the HLPC to provide a final report within 30 days in accordance with § 405.8 M.



**SECTION 3:** That the Kingston Common Council refers the draft Kingston Forward form-based code to the County Planning Board and asks the Planning Board to provide a final report within 30 days in accordance with § 405.8 M.

**SECTION 4:** That the Kingston Common Council sets a public hearing date and a public comment period that shall be open for no less than thirty days.

**SECTION 5.** That this resolution shall take effect immediately.

Submitted to the Mayor this \_\_\_\_\_ day  
of \_\_\_\_\_ 2025

Approved by the Mayor this \_\_\_\_\_ day  
of \_\_\_\_\_ 2025

\_\_\_\_\_  
Elisa Tinti, City Clerk

\_\_\_\_\_  
Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2025

## City of Kingston Zoning Working Group

### Amendment Suggestion 1 of 2025

#### Add New Section 405.21 Q Recreation Fee

- A. 1. In any development (including new buildings, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to a residential use, or any combination of these elements) that includes seven or more overall rental or homeownership housing units, as a condition to the approval of the site plan, a recreation fee payment to the City of Kingston of a sum of money in an amount to be determined and set annually, by resolution of the Common Council, as part of the City's fee schedule Fees imposed pursuant to this article shall be paid prior to final site plan approval and shall be set aside in a fund to be used exclusively for park, playground or other recreational purposes, including acquisition of property for use as park or playgrounds.
- B. Any permanently affordable housing unit created in compliance with 405.19 shall be excluded from recreation fee calculations under 405.21 Q. For example, if a ten-unit residential project includes one affordable unit, that unit shall be excluded from recreation fee calculations.

#### Edit 405.19 Affordable Housing Incentives C 3(b.) to say:

~~With input from the Recreation Commission, the Planning Board may consider full compliance with affordable housing requirements as grounds to discount a project's Recreation Fee-In-Lieu-of Parkland in accordance with the provisions of §347. For the purposes of this discount, full compliance shall mean including affordable or workforce housing units as required by 405.19.A.1(a).~~

Any permanently affordable housing unit created in compliance with 405.19 shall be excluded from recreation fee calculations under 405.21 Q. For example, if a ten-unit residential project includes one affordable unit, that unit shall be excluded from recreation fee calculations.

#### Related Action: **Repeal Chapter 347 Site Plan Review – Reservation of Parkland; Fees in Lieu of Reservation**

~~§ 347-1 Planning Board may require parkland; findings:~~

~~A. The Planning Board may require that a subdivision or site plan containing residential units also contain a park, or parks, or playground suitably located for playground or other recreational purposes:~~

~~B. Before the Planning Board will require that land be reserved for park, playground or other recreational purposes, the Planning Board must make a finding that such requirement is warranted. Such a finding shall include an evaluation of the present and anticipated future needs for park and~~

recreational purposes in the City of Kingston based on the projected population growth to which the particular site plan and/or subdivision will contribute:

C. The Planning Board shall consult with the Parks and Recreation Department of the City of Kingston in order to assist in the formulation of the findings as referenced in Subsections A and B above:

**§ 347-2 Ownership of park area:**

The ownership of a reservations for park purposes shall be clearly indicated on the site plan or subdivision and established in a manner satisfactory to the Planning Board so as to insure its proper future continuation and maintenance:

**§ 347-3 Cash payment in lieu of reservation:**

Where the Planning Board makes a finding that the proposed subdivision or site plan presents a proper case for requiring a park or parks suitably located for playground or other recreational purposes, but that a suitable park or parks of adequate size cannot be properly located on such site plan or subdivision, the Planning Board may require, as a condition to the approval of the site plan or subdivision, a payment to the City of Kingston of a sum of money in an amount to be determined and set annually, by resolution of the Common Council. Fees imposed pursuant to this article shall be paid prior to final site plan or subdivision approval and shall be set aside in a fund to be used exclusively for park, playground or other recreational purposes, including acquisition of property for use as park or playgrounds:

**§ 347-4 Consulting fees:**

A. The City of Kingston shall have the right to require an applicant who seeks to obtain a site plan or subdivision approval to deposit in escrow to cover the costs being incurred by the City of Kingston for all consultant services, including but not limited to engineering, planning and legal, as well clerical costs incurred in the processing and reviewing of such application:

B:

The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the City of Kingston. Such amount shall be reasonably related to the cost attendant to the City's review of the application. It is understood that the applicant is required only to reimburse and pay to the City of Kingston the fees actually expended by the City. Any such fees incurred by the City of Kingston must be reasonable and subject to all appropriate audit provisions of the City of Kingston with the explicit understanding that the applicant shall only pay at the rate for said services that the City pays for its own consulting services:

**§ 347-5 Applicability:**

This article shall apply to all current and future applications for site plan or subdivision approval containing residential units:

**City of Kingston Zoning Working Group**

**Amendment 2 of 2025 – Organizational**

**Add to 405.17 Signage Standards**

[Table that summarizes signage types and transect allowances. As needed, make appropriate updates to Article 3 Transect Standards]

	T5MS	T5F	T5N	T4MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1N	SD-W/WMU	SD-C	SD-F
Wall Sign	X	X	X	X	X							X	X	X
Wall Mural Sign	X	X	X	X	X							X	X	X
Projecting Sign	X	X	X	X	X	X	X	X				X	X	X
Marquee Sign	X	X												
Hanging Sign	X	X	X	X	X	X	X	X				X	X	X
Awning Sign	X	X	X	X	X	X	X	X				X	X	X
Canopy Sign	X	X	X	X	X	X						X	X	X
Window Sign	X	X	X	X	X	X	X	X				X	X	X
Sidewalk Sign	X	X	X	X	X	X	X	X				X	X	X
Yard/Porch					X		X							







## City of Kingston Zoning Working Group

### Amendment Suggestion 3 of 2025

#### Edit Section 405.16 C d Off-Street Parking Standards

- a. ~~Accessibility. All vehicle parking lots and parking structures must conform with the ADA Standards for Accessible Design as mandated by the federal Americans with Disabilities Act (ADA), Federal Americans with Disabilities Act (ADA), and should conform to the Public Right-of-Way Accessibility Guidelines (PROWAG). At least one accessible space shall be provided for all development with 4 or more units. If no on-site parking area is provided, required accessible parking may be located nearby on-street or in a common parking lot, as approved by the Planning Administrator (for minor site plans) or Planning Board.~~

**City of Kingston Zoning Working Group**

**Amendment Suggestion 4 of 2024**

**Edit Section 405.6-405.9 Transect Standards**

	T5MS	T5Flex	T5N	T4MS	T4N-O	T4N
First Floor Height	16' min  Historic districts: 16' corner min, mid-block contextual min	14'min  Historic districts: 14' corner min, mid-block contextual min	12' min	14' min  Historic districts: 14' corner min, mid-block contextual min	9'min	9' min

**ADD to 405.2 Definitions: CONTEXTUAL FIRST-FLOOR HEIGHT**

Measured as the smallest existing first floor height of buildings that are on adjacent lots, that are oriented to the same street as, and within 100' of the subject lot.



## **City of Kingston Zoning Working Group**

### **Amendment Suggestion 5 of 2025**

#### **Edit Definition of Bed & Breakfast**

An ~~owner-occupied~~ residential establishment where not more than five rooms are rented to transient nonpermanent guests, on a short-term basis, ~~staff or owner-operator~~ on the premises to check-in guests and available for support services. At least one prepared meal is made available to guests. See Sec 405.21.D.

**City of Kingston Zoning Working Group**

**Amendment Suggestion 6 of 2025**

**Edit Sec 405.21.C. Home Occupation**

No more than 2015% of the floor area of the principal building, and no more than 500 square feet of floor area of an accessory building, shall be devoted to the activity.

City of Kingston Zoning Working Group

Amendment Suggestion 7 of 2025

Edit Sec 405.17 E Pedestrian-Oriented Sign Standards

1. **Materials.** All permanent, on-premises signs ~~maybe~~ **may** be constructed of a rigid, weatherable material such as wood (painted or natural); metal (copper, brass, aluminum, galvanized steel); painted / engraved directly on façade surface; glass; ~~neon~~; or hard plastic. Canvas may be used for awning material. Vinyl may be used for windows signs.

g. Window Signs		
Area (max)	25% of window area	<ol style="list-style-type: none"><li>1. <b>Description.</b> A sign intended to be painted on, applied to, or displayed in, a storefront window or door area.</li><li>2. <del>One Two</del> window signs <del>is-are</del> permitted per shopfront window.</li><li>3. A maximum of twenty-five percent (25%) of a window can be used for window signs.</li></ol>
Quantity	<del>2</del> 24 per window	

[As needed, update Article 3 Transect Standards to Reflect Edit Made]

b. Hanging Signs

- ~~1.—Signs must be stabilized so as not to swing.~~

Edit Section 4017 J. Temporary signs

The erection, installation or maintenance of temporary signs, as defined herein, is hereby prohibited, except for the following:

1. A temporary sign, not exceeding 15 square feet in area, which is erected by a municipal, charitable, political or nonprofit organization is permitted for a period not to exceed 30 days.
2. A single temporary sign, not exceeding 32 square feet in area, which announces anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc., on a

building under construction, shall be permitted until a building is completed and a certificate of occupancy is issued.

**3.** Banners for special announcements, such as grand openings for businesses, with a limit of 30 days may be placed on the exterior of any building. All banners must be dated. All other temporary signs made of cardboard, paper, canvas or similar impermanent materials may not be placed on the exterior of any building.

**3.4.** Temporary window coverings associated with new construction or renovations, up to 100% of the window area, provided that site plan approval has been granted, as applicable, and that the building safety officer or their designee has granted the building a building permit that remains active.

February 28, 2025

TO: City of Kingston Common Council

FROM: City of Kingston Zoning Working Group

**RE: Recommendations to the Common Council for Amendments to the City of Kingston's Form-Based Code, Chapter 405**

Under Resolution 138 of 2023 in which the Common Council adopted the form-based code, the Common Council also directed the creation of a Zoning Working Group to ensure that the zoning code meets its intent and purpose and relevant sections of the City of Kingston's comprehensive plan. Members of the group were first appointed in March 2024.

It has only been a year and a half since the code was first adopted. While several dozen Minor and Major Site Plans have been approved under this new code, it is very early on in the process. To judge the success or failure of any one aspect of the code, we believe it is important to:

- Judge results over a long period of time to see how individually approved site plans have or have not changed Kingston's built environment and mix of uses to reflect the code's intent;
- To listen to feedback from multiple stakeholders and not be reactive to feedback from any one applicant or sector;
- Finally, given that the form-based code was initially drafted over the course of two years with extensive community input, to preserve the code's intent to "create a well-functioning public realm across Kingston's diverse neighborhoods" to the greatest extent possible.

Nonetheless, now that the code has been in practice, there are a few changes that we believe are well-justified. The intent of these changes is exclusively to fix minor inconsistencies with the version of the code passed in August 2023, to better organize existing information in the code via new summary tables, and to amend a few aspects that were largely overlooked during the code drafting process, either with the Common Council and the public at large.

We recommend the Common Council consider the following zoning amendments:

**Updates to the Parkland Fee Process**

One aspect of the site plan approval that the new form-based code did not change is the City's recreation fee. Under this process, the Planning Board may require that a subdivision or site plan that contains residential units include recreational areas based on a finding "that such requirement is warranted." This process also requires that the Planning Board consult with the Parks and Recreation Department to assist in the "formulation" of the findings. It is our understanding that the parkland fee is an important source of capital for the maintenance of the City's park system.

However, we have found that this process (1) is confusing for applicants, (2) is not necessary given open space requirements in the form-based code, and (3) that it unnecessarily slows the approval process for projects that include residential units.

Instead of requiring the Planning Board to formulate a finding of a need for parkland with input from Parks and Recreation, we suggest that all applicable site plans be required to pay a set recreation fee. This would improve the efficiency of the approvals process and give greater clarity to the planning applicant for how much of a fee they would be responsible for from the beginning. As per the current practice, the recreation fee itself should be a set fee amount and determined annually via the City's fee schedule to ensure the fee amount is current. To align incentives, we also suggest that any permanently deeded affordable unit be exempt from parkland fee calculations.

Please note that the Zoning Working Group consulted with the City's Park and Recreation Commission on this change.

The Zoning Working Group voted in favor of recommending this change.

### **Off-Street Parking Standards**

Under the code, all development with four or more units does have to include at least one accessible space, either onsite or nearby on street or common parking lot. However, we do not believe this is an appropriate place for this requirement because on-street dedication of handicapped spaces requires an action of the Common Council, not the Planning Board. We also worry this will lead to the development of accessible parking spaces that are not necessarily needed for every situation. We recommend that this specific requirement be removed from the form-based code while maintaining the compliance with the ADA Standards for Accessible Design as mandated by the Americans with Disabilities Act.

Additionally, we recommend that the consultant that the City will be hiring this year to study parking management throughout the city provide a recommendation of how the City could best meet the need for parking citywide for Kingston's growing population, which includes accessible parking. And, we also suggest that the transportation infrastructure is studied as a whole, responding to the demand for comprehensive parking and public transportation solutions.

The Zoning Working Group voted in favor of recommending this change.

### **First Floor Height Requirements**

As a form-based code, the code has requirements for the *minimum* height of the first floor for any new construction project in a T4 or T5 transect. For example, as detailed in Table 1, a new building built in the T5 Main Street transect would be required to have a first-floor height of 16'. Generally, the purpose of the first-floor height requirement is to ensure new buildings meet their surrounding context, that there is a consistent building to street relationship, and that new buildings could be easily adapted to changing neighborhood conditions. For example, a previously residential building should be able to be adapted to a commercial one based on demand.

We carefully reviewed these requirements to ensure they are achievable and that they accurately reflect the context of each transect. We also reviewed case studies from other municipalities with form-based codes and consulted other departments. After this comprehensive review, we recommend lowering the required first floor height in all transect districts except for T5 Main Street and T5 Neighborhood (See Proposed – Table 1).

Finally, based on feedback from the Historic Landmarks Preservation Commission, we also recommend introducing a contextual requirement in all historic districts. This will ensure that first floor heights in a historic district reflect that of surrounding buildings.

	T5MS	T5Flex	T5N	T4MS	T4N-O	T4N
Existing	16' min	16' min	12' min	16' min	16' min	12' min
Proposed	16' min  Historic districts: 16' corner min, mid-block contextual min	14' min  Historic districts: 14' corner min, mid-block contextual min	12' min	14' min  Historic districts: 14' corner min, mid-block contextual min	9' min	9' min

Table 1 - Proposed changes to first floor height requirements

The Zoning Working Group voted in favor of recommending this change.

**Changes to Signage Standards**

We recommend the following changes to the code’s extensive sign standards:

- The code increased the types of uses that are allowed throughout the city. However, the signage allowances do not currently match the transect use table. This has led to situations where a commercial use might be allowed but a sign advertising a new business is not. A comprehensive update, implemented through a new table in Section 405.17, will ensure consistency between use and signage allowances.
- Under the signage standards, businesses have a certain transparency requirement and can only cover a percentage of their windows with signage. A change in the “Temporary Signs” section would clarify that temporary window coverings are allowed if associated with space renovations. This would apply if, for example, a new business is renovating a space prior to opening.
- Other smaller changes include allowing neon as a permissible signage material, increasing the limit on “window signs” from one to two per window, and allowing “hanging signs” to be able to swing.

The Zoning Working Group voted in favor of recommending this change.

**Consistency with New York State Building Code**

There are two instances where the new code is not consistent with the New York State Building Code: the definition of Bed & Breakfast and the definition of Home Occupation. Changes to these definitions in our code will ensure consistency and that planning applicants have full clarity on the City’s expectations.

The Zoning Working Group voted in favor of recommending this change.

## **Organizational**

The code includes setback requirements for accessory buildings. For example, these would apply to new accessory dwelling units. However, the setback requirements for accessory uses are not summarized in one table. This could easily be fixed by editing the existing table 405.5.B. and adding setback requirements for accessory buildings.

The Zoning Working Group voted in favor of recommending this change.

Thank you for considering these recommendations.

Sincerely,

Kingston Zoning Working Group

Bartek Starodaj, City of Kingston Housing Initiatives

Suzanne Cahill, City of Kingston Planning Director

Tanya Garment

Inés Yupanqui

Rebecca Holderness

Joshua Stratton-Rayner

Norah Maki (Alternate)



LTR

**Tinti, Elisa**

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**From:** Pasti, Sara  
**Sent:** Wednesday, February 26, 2025 9:37 AM  
**To:** Shaut, Andrea  
**Cc:** Tinti, Elisa; Jankowski, Matthew; Timbrouck, Lynsey  
**Subject:** Communication Regarding Amendments to Code Section 310 - Parks & Recreational Facilities  
**Attachments:** Chapter 310 Parks and Recreational Facilities General Rules and Regulations Draft 2.26.25 w.edits.docx

Dear President Shaut,

Please accept this message as a communication to be placed on the agenda of the appropriate committee.

I am requesting edits to be made to the City's General Rules and Regulation Section 310 - Parks and Recreational Facilities. These changes, indicated in red and underlined, address the parking of vehicles in parks overnight outside standard park operating hours.

Please note that at its last meeting the Finance & Audit Committee considered the amount of the fines to be added to the City's Fee Schedule for parking violations and also recommended that the City's Regulations be amended to reflect the parking prohibitions and fines.

I am copying both Corporate Counsel Matt Jankowski and Director of Parks and Recreation Lynsey Timbrouck on this email so they will be apprised of this communication.

Thank you for your consideration.

Sincerely,

Sara Pasti

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**Sara Pasti**  
Ward 1 Alderwoman  
Kingston Common Council  
(845) 392-2519

## ARTICLE I

**General Rules and Regulations**

[Adopted 8-7-1984 by L.L. No. 3-1984, approved 8-28-1984, as Ch. 84, Art. I, of the 1984 Code]

**§ 310-1. Legislative determination; compliance required.**

It is hereby declared, pursuant to the authority created by the City Charter<sup>1</sup> of the City of Kingston, the General Municipal Law of the State of New York, the City Home Rule Law and the General City Law of the State of New York, that the establishment and maintenance of proper rules and regulations for the use and enjoyment of the parks, bathing beaches, skating rinks, bathing pools and other recreational facilities of the City of Kingston are essential to the public welfare. Therefore, the provisions hereinafter prescribed to provide appropriate rules and regulations for the proper use and enjoyment of the aforesaid facilities are enacted, and their necessity in the public interest is hereby declared a matter of legislative determination. Except as herein otherwise provided, there shall be official hours for the opening and closing of the parks and other recreational facilities referred to herein, and the use by any person or persons of said parks or said recreational facilities at any other time is absolutely prohibited.

**§ 310-2. Hours of operation. [Amended 8-5-1986; approved 8-7-1986]**

The parks and other recreational facilities in the City of Kingston shall be opened no earlier than 7:00 a.m. and shall be closed no later than dusk each day. As used in this section, "dusk" shall be defined as 1/2 hour after sunset.

**§ 310-3. Enforcement.**

- (a) The jurisdiction over all of said parks and other facilities herein referred to shall reside in the Director of Parks and Recreation of the City of Kingston, who shall have the power to enforce the rules and regulations herein provided for.
- (b) Authorized enforcement officers, including City law enforcement and parking enforcement officers, may issue tickets and enforce violations of the rules and regulations contained in this Chapter.

**§ 310-4. Use during closed hours.**

- (a) It shall be unlawful for any person or any vehicle to loiter in or to pass through, on foot or by means of any vehicle, any of the parks or other facilities herein referred to at any time other than the time officially permitted within such park or such facility.
- (b) Only vehicles authorized by the Director of Parks and Recreation may remain parked at any time outside the hours of operation for the park or recreational facility. All other vehicles are prohibited from parking, or otherwise being left unattended, in a City park or recreation facility outside the hours of operation.

**§ 310-5. Glass containers. [Added 8-1-2006, approved 8-3-2006]**

It shall be unlawful for any person(s) to bring into, or possess in, any City park glass containers of any type or size at any time.