

LAWS & RULES COMMITTEE MEETING

Wednesday, June 21st at 6:30 PM.

NEW BUSINESS

1 - Local Law to improve public access to rules/procedures of city boards - B. Graves-Poller

OLD BUSINESS

1- Shared bike program

City of Kingston, NY Administrative Code

PART I: ADMINISTRATIVE LEGISLATION

Chapter 1 General Provisions

Article II Conduct of Boards and Commissions

§ 1-14 Legislative intent.

The interests of governmental transparency and civic engagement are best served by ensuring that the City of Kingston's boards and commissions apply consistent standards, make rules readily accessible to the public, and communicate well-reasoned findings in administrative proceedings.

§ 1-15 Rulemaking authority

- A. Each municipal board and commission is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, State or local law.
- B. The following public bodies shall adopt rules that implement and apply laws or, as appropriate, prescribe procedural requirements: Ethics Board, Planning Board, and Zoning Board of Appeals.
- C. The rulemaking authority set forth in this Article applies to public bodies that conduct City business, as defined by Public Officers Law § 102, and shall not apply to working groups, task forces, and other advisory bodies that lack power to take action on behalf of the City.

§ 1-16 Public access to board and commission rules

- A. All rules adopted pursuant to this Article shall be published on the City's website and available upon request in the Office of the City Clerk.
- B. Each rule-making board and commission shall provide a copy of its rules upon request to any party to an administrative adjudication.
- C. This subdivision shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this subdivision shall not result in the invalidation of any rule.

§ 1-17 Recording final administrative decisions and determinations

- A. Any final decision, determination or order rendered by a public body shall be either communicated in writing or stated on the record of a meeting, as defined by Public Officers Law § 102.
- B. A copy of any written decision, determination or order rendered by a public body shall be provided in electronic form or hard copy to each affected applicant or party to an administrative review process.

OLD BUSINESS

- B.** Not-for-profit operators may apply to the Common Council for a waiver of any fees assessed pursuant to this section.

ARTICLE IV. PARKING OF BICYCLES AND ELECTRIC MOBILITY DEVICES.

§ 160-15. Parking locations.

- A.** Bicycles and electric mobility devices shall be parked only in designated bicycle or electric mobility device parking areas.
- B.** A user may park a bicycle or electric mobility device in officially designated bicycle or electric mobility device parking areas, in a sidewalk furnishings zone, or any other place where such parking is not otherwise prohibited by publicly authorized signs, this chapter or any other ordinance, state law, or federal law.

§ 160-16. Parking restrictions.

- A.** No user, operator, or agent thereof shall park a bicycle or electric mobility device on the private property of another without permission.
- B.** No user shall attach or secure a bicycle or electric mobility device to public or private property in a manner that may damage, impair, or render such property unusable.
- C.** No user shall leave a bicycle or electric mobility device lying on its side on or adjacent to any sidewalk or multi-use path, or park a bicycle or electric mobility device in any of the following locations:
1. Within a designated no-parking zone;
 2. Within a designated public transit stop, except in designated bicycle racks or designated bicycle or electric mobility device parking areas;
 3. On a public sidewalk obstructing the pedestrian through zone or on a multiuse path;
 4. on any part of an ADA-compliant ramp or in any other manner that would restrict the movement of persons with disabilities;
 5. In designated and marked special use zones, including, but not limited to, commercial service zones, passenger loading zones, customer service zones, and valet zones;
 6. In a manner that obstructs fire suppression appurtenances, building entryways, exits, or driveways;

- E. As a condition of the issuance of a shared mobility device system permit, each applicant shall furnish proof of commercial liability insurance consistent with the City's insurance requirements. Such insurance shall be issued by an insurance company which is licensed to do business in New York State and shall name the City as an additional insured.
- F. The application fee, permit fee, subsequent permit renewal fees, and other fees as applicable shall be as provided in § 160-14 of this chapter.

§ 160-8. Denial, termination, and non-renewal of permits.

- A. The City may, in its sole discretion, deny an application for a shared mobility device system permit.
- B. The City reserves the right to terminate a shared mobility device system permit at any time and require the removal from service of the entire fleet of devices to which such permit applies. Such notice of termination shall be delivered to the operator as outlined in the permit. Fleet removal shall be completed within thirty (30) days of the date of the notice of termination unless a different time period is established by the City.
- C. The City may, in its sole discretion, refuse to renew a shared mobility device system permit.
- D. If the City declines to renew a shared mobility device system permit, the permit holder must remove its shared mobility devices within five (5) business days of the permit expiration date.
- E. The City may suspend operation of a permitted shared mobility device system if the City believes that continued operation under the permit would constitute a direct and substantial threat to public health or safety.

§ 160-9. Safety of shared mobility devices.

- A. All bicycles used in shared mobility device systems issued a permit under this chapter shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512-Requirements for Bicycles. Additionally, permitted shared mobility systems shall meet the safety standards outlined in the International Organization for Standardization (ISO) section 43.150-Cycles, subsection 4210.
- B. All bicycles with electric assist used in shared mobility device systems issued a permit under this chapter shall meet the definition of low-speed electric bicycles in 15 U.S. Code § 2085; and shall be subject to the same requirements as bicycles described in paragraph A of this section.
- C. All electric scooters used in shared mobility device systems issued a permit under this chapter shall meet all applicable standards established by the Consumer Product Safety Commission.

Shared mobility device system permit – A permit issued by the City as provided in this chapter.

Sidewalk -- A portion of a street intended for pedestrian use as defined in § 144 of the New York State Vehicle and Traffic Law.

User – A natural person who operates a shared mobility device in a shared mobility device system.

§ 160-2. Scope.

This chapter applies to the operation of bicycles, electric bicycles, and scooters and to the regulation of shared mobility device systems on any public highway, crosswalk, multi-use path, park or public space, municipal or private parking lot within the City of Kingston that is open to and used by the general public.

ARTICLE I. BICYCLES

§ 160-3. State law provisions.

- A. This article is adopted pursuant to §180 of the New York State General Municipal Law.
- B. Should the requirements of this article conflict with or otherwise be inconsistent with any provision or requirement of the New York State Vehicle and Traffic Law, the provisions imposing the higher standards shall govern.

§ 160-4. Operational requirements.

- A. When two or more persons in a group are operating bicycles on a roadway, they shall ride single file.
- B. No person operating a bicycle shall carry another person, except upon a seat specifically provided for such passenger.
- C. No person operating a bicycle shall cling or attach himself or the bicycle to any other moving vehicle.
- D. No person shall operate a bicycle while in an intoxicated condition.
- E. No person, 1 or more years of age and less than 14 years of age, shall operate a bicycle unless such person is wearing a helmet meeting standards established by the commissioner of motor vehicles of New York State.
- F. No person shall operate a bicycle while using a mobile telephone (as defined in § 1225-C of the New York State Vehicle and Traffic Law) or a portable electronic device (as defined in § 1225-D of the New York State Vehicle and Traffic Law).

THE CITY OF KINGSTON COMMON COUNCIL

**LAWS & RULES
COMMITTEE REPORT**

DEPARTMENT: LR DATE: 5/17/23

Description: Resolution to Accept An Ordinance
Regulating The Ordinance Regulating
The Operation of Shared Bicycle
Shared Bicycle w/ Electric Assist
and Shared Electric Scooter Systems

Signature: _____

Motion by MO

Seconded by RSC

Action Required: _____

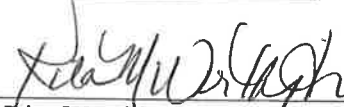
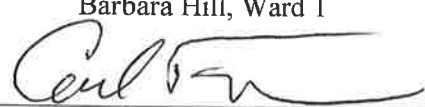

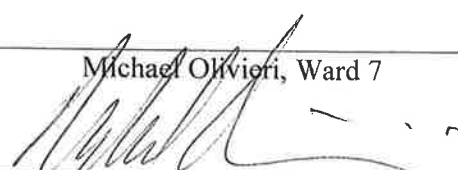
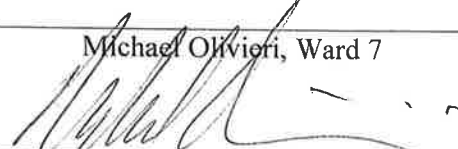
SEQRA Decision:
 Type I Action _____
 Type II Action _____
 Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
 Rita Worthington, Chairperson	✓	
Barbara Hill, Ward 1 	✓	
Carl Frankel, Ward 2 	✓	
Rennie Scott-Childress, Ward 3 	✓	
Michael Olivieri, Ward 7 	✓	