

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MOUNT VERNON ADOPTING A
NEGATIVE DECLARATION AND LOCAL LAW
NO. __ - 2024 AMENDING THE CITY CODE TO
ENACT BAMBOO LEGISLATION**

WHEREAS, the City Council of the City of Mount Vernon proposes to amend the Code of the City of Mount Vernon (“Code”) to enact Chapter 90 entitled “Bamboo;” and

WHEREAS, the City Council finds that it is necessary and desirable, as a matter of public policy, to regulate bamboo in the City of Mount Vernon by banning running bamboo within the City; and

WHEREAS, the City Council, in conjunction with its Staff, prepared a draft “A Local Law to Enact Chapter 90 (Bamboo) of the Code of the City of Mount Vernon to Ban Running Bamboo” (“Code Amendment”), a copy of which is annexed to this Resolution; and

WHEREAS, the Code Amendment is classified as an Unlisted Action under the New York State Environmental Quality Review Act and its implementing regulations, 6 N.Y.C.R.R. Part 617 (“SEQRA”); and

WHEREAS, at a meeting of the City Council held October 10, 2024, the City Council designated itself Lead Agency for the uncoordinated review of the Code Amendment under SEQRA pursuant to 6 N.Y.C.R.R. Section 617.6(b)(1), and scheduled a Public Hearing on the Code Amendment for October 23, 2024; and

WHEREAS, the City Council duly published notice of a Public Hearing for the Code Amendment in three issues of the official newspaper for the City on October 15, 2024, October 17, 2024, and October 21, 2024; and

WHEREAS, the Public Hearing was duly held at City Hall on October 23, 2024, at 7:00 P.M., and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Code Amendment, and written comments were accepted for 10 days thereafter; and

WHEREAS, the City Council, after due deliberation, and having carefully considered the comments made at the Public Hearing and in written comments, finds that it is in the best interest of the City of Mount Vernon to adopt the Code Amendment as proposed; **NOW, THEREFORE, BE IT**

RESOLVED, that pursuant to Section 617.7 of SEQRA’s implementing regulations, the City Council considered the impacts which may be reasonably expected to result from the Code Amendment by comparing them against the applicable criteria in said Section, and finds that:

1. The Code Amendment will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The Code Amendment will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not significantly impact habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.

3. The Code Amendment will not result in the impairment of the environmental characteristics of a Critical Environmental Area.

4. The Code Amendment will not result in the creation of a material conflict with the City's current plans or goals, or the Zoning Code.

5. The Code Amendment will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.

6. The Code Amendment will not significantly impact the use of either the quantity or type of energy.

7. The Code Amendment will not create a hazard to human health.

8. The Code Amendment will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

9. The Code Amendment by itself will not encourage or attract a substantially larger number of people to a place compared to the number of people who would come to such place absent the action.

10. The Code Amendment will not create a material demand for other actions which would result in one of the above consequences.

11. The Code Amendment will either result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.

12. The Code Amendment will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in Section 617.7 of SEQRA's implementing regulations, and that the City Council considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action.

NOW, THEREFORE, BE IT

RESOLVED, that the City Council adopts Parts 1, 2 and 3 of the Short Environmental Assessment Form, and determines under SEQRA that the Code Amendment will not result in any significant adverse environmental impacts; **be it further**

RESOLVED, that the City Council adopts a Negative Declaration with respect to this "Unlisted" action under SEQRA, and determines that a Draft Environmental Impact Statement need not be prepared; **be it further**

RESOLVED, that this Negative Declaration was prepared in accordance with Article 8 of the New York Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617; **be it further**

RESOLVED, that the City Clerk is directed to (i) file a copy of this Resolution and Negative Declaration with the City pursuant to 6 N.Y.C.R.R. Section 617.12, (ii) file a copy of this Resolution and Negative Declaration with the Planning Board, and (iii) file a copy of this Resolution and Negative Declaration with the Westchester County Planning Board pursuant to GML Section 239-m within seven (7) days hereof; **be it further**

RESOLVED, the City Council hereby adopts and enacts the Code Amendment (Local Law No. __ -2024) entitled “A Local Law to Enact Chapter 90 (Bamboo) of the Code of the City of Mount Vernon to Regulate Bamboo,” a copy of which is attached hereto and made a part hereof; **be it further**

RESOLVED, that the City Clerk is further directed to enter Local Law No. __-2024 in the minutes of this meeting, and to give due notice of the adoption of Local Law No. __-2024 to the New York Secretary of State; **be it further**

RESOLVED, that this Resolution shall take effect immediately.