

**“The North Greenbush Clothing Bin Law”**

SECTION 1. The Code of the Town of North Greenbush is hereby amended to include new Chapter 80 as follows:

Chapter 63 is hereby created as follows:

**CHAPTER 80: CLOTHING BINS, DONATION BINS and RECYCLING BINS**

**§ 80-1 Legislative Intent**

It is the intent of the Town of Greenbush to support and encourage, in a responsible manner, the placement and use of attended and unattended Clothing Bins, Donation Bins and Recycling Bins. These bins are most commonly used to collect for recycling, re-sale or re-use general household goods such as clothing, shoes, books and small appliances. This local law is intended to protect the public health, safety and welfare and protect the environment by establishing rules and regulations for Clothing Bins, Donation Bins and Recycling Bins.

**§ 80-2 Definitions**

Clothing Bins, Donation Bins and Recycling Bins. An attended or unattended receptacle, trailer or container made of metal, wood, steel or similar material for permanent or temporary use, designed or intended for the collection of unwanted clothing, shoes, textiles, books and other similar household items.

Site Host. The owner or lessee of the site of a Clothing Bin, Donation Bin or Recycling Bin within the Town of North Greenbush.

Permittee. Any organization, firm or other entity that owns and receives a permit to operate a Clothing Bin, Donation Bin or Recycling Bin pursuant to this Chapter.

**§ 80-3 Permit Required**

A. It shall be unlawful to erect, place, maintain or operate any Clothing Bin, Donation Bin or Recycling Bin without first obtaining a permit issued by the Town of Greenbush.

B. A permit issued under this Chapter shall be valid for one year and renewable for one-year periods thereafter.

C. Where a Clothing Bin, Donation Bin or Recycling Bin is owned and/or operated by one entity for the benefit of another entity, the contact information for both entities must be included on the permit application.

D. The initial application fee, renewal application fee and sticker fee shall be valid for an one-year period and shall be established by Resolution of the Town Board.

E. In order to qualify as a permittee under this Chapter, an applicant must either be (1) a public charity exempt from taxes under Section 501(c)(3) of the United States Internal Revenue Code, and in good standing with the State of New York, or (2) a business in good standing with the State of New York.

**§ 80-4 Form of Application**

The application for a Clothing Bin, Donation Bin or Recycling Bin permit shall be made to the Building Department and shall require the following information from the applicant:

A. If the applicant claims to be a qualified public charity:

1. A copy of the determination letter issued by the Internal Revenue Service stating that the applicant is a public charity exempt under Internal Revenue Code Section 501(c)(3), and

2. A certificate of good standing issued by the Office of the Secretary of State of the State

of New York. A certificate of good standing must not be older than 3 months at the time of application for a permit.

B. Name, address and telephone number of a contact person or entity of the applicant who is responsible for the management and maintenance requirements of this Chapter.

C. Written consent from the Site Host (or, if the Site Host is a Lessee, from the owner) to place a Clothing Bin, Donation Bin or Recycling Bin on the property, including name, address and telephone number of the Site Host.

D. Permittee must provide to the Town of North Greenbush at the time of application a Certificate of Liability Insurance of at least \$1 million covering permittee's Clothing Bin, Donation Bin or Recycling Bin. The Certificate of Liability Insurance must name the Town of North Greenbush as an additional insured.

E. Permittee must provide to the Town of Greenbush at the time of application a Performance Bond in an amount established by Resolution of the Town Board for the faithful and complete performance by the permittee of the duties and obligations required by this Chapter.

#### **§80-5 Proof of Permit**

The Town of North Greenbush shall provide the permittee with one permit sticker for each approved permit. The permittee must place the permit sticker in a conspicuous place on the front of the permitted Clothing Bin, Donation Bin or Recycling Bin. The Town of Greenbush will provide replacement stickers for an amount to be established by Resolution of the Town Board should the original sticker become damaged, fall off, or disappear.

#### **§80-6 Management, Maintenance; Requirements**

A. Permittee must maintain the aesthetic presentation of each Clothing Bin, Donation Bin or Recycling Bin, including fresh paint, readable signage and general upkeep.

B. Permittee must provide to the Site Host a telephone number to respond to Clothing Bin, Donation Bin or Recycling Bin maintenance complaints.

C. Permittee must respond to Clothing Bin, Donation Bin or Recycling Bin maintenance complaints within 24 hours of receiving notification during regular business hours.

D. Permittee must remove graffiti within 72 hours following receipt of notice of its existence.

E. If a Clothing Bin, Donation Bin or Recycling Bin becomes damaged or vandalized, it shall be repaired, replaced or removed within five days of receipt of notice of such condition.

F. Each Clothing Bin, Donation Bin or Recycling Bin must be regularly emptied of its contents.

#### **§80-7 Placement of Clothing Bins, Donation Bins or Recycling Bins**

A. A Clothing Bin, Donation Bin or Recycling Bin shall be placed on the site in a manner that does not impede vehicular or pedestrian traffic flow.

B. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed within the municipal right-of-way and shall adhere to the setback standards for the site where they are placed.

C. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed in a required parking space or reduce the number of parking spaces below the minimum number required by the Town of North Greenbush Land Use Law and related approvals.

D. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed on sidewalks and must allow for a minimum of five (5) feet of pedestrian walkway in front of the Clothing Bin, Donation Bin or Recycling Bin.

E. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed within the sight triangle of

any intersection.

F. No more than three Clothing Bins, Donation Bins or Recycling Bins shall be placed on any parcel.

**§80-8 Information and Label Requirement for all Bins**

The front of every Clothing Bin, Donation Bin or Recycling Bin shall conspicuously display the following:

A. The name, address, telephone number and the internet web address of the Owner and Operator of the Clothing Bin, Donation Bin or Recycling Bin.

B. A statement, in at least two-inch typeface, that either reads: “this collection bin is owned and operated by a not-for-profit organization” or “this collection bin is owned and operated by a for-profit organization”.

C. If the Clothing Bin, Donation Bin or Recycling Bin is owned by a not-for-profit organization, the front of the collection bin shall also conspicuously display a statement describing the charitable causes that will benefit from the donations;

D. If the Clothing Bin, Donation Bin or Recycling Bin is owned by a for-profit company, the front of the collection bin shall conspicuously display a statement that reads “[name of company] is a for-profit company, deposits are not tax deductible”.

E. A Clothing Bin, Donation Bin or Recycling Bin operated by a for-profit entity on behalf of or in conjunction with a not-for-profit organization shall have the name, address, telephone number and internet web address of both entities on the front of the bin.

**§80-9 Violations and Penalties**

A. The site host, permittee or other person or entity in control of the property where a Clothing Bin, Donation Bin or Recycling Bin is found to be in violation of this chapter shall be jointly and severally liable therefor.

B. Code Enforcement Officers of the Building Department and Officers of the North Greenbush Police Department are hereby authorized to issue notices of violation, summonses or appearance tickets, returnable in the Town Court of the Town of North Greenbush, for any violation of this Chapter.

C. In addition to any other penalty that may be imposed for an offense against the Penal Law, any violation of this Chapter shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for the first such offense.

D. For each subsequent offense, a violation of this Chapter shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) per week thereafter. Each week such offense is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder without further need for the Town to issue additional notices of violation, summonses or appearance tickets. The Town may also bring an action or proceeding to enjoin the offense and to recover any costs incurred by the Town for removing and/or storing the bin or otherwise remedying conditions brought about by the offense of this chapter. If a site holder and/or permittee is found to have violated the provisions of this Chapter on more than 3 occasions in a calendar year, the site holder and/or permittee shall, in addition, be deemed ineligible to place, use or employ a Clothing Bin, Donation Bin or Recycling Bin within the Town of North Greenbush pursuant to this Chapter for a period of five years, and the Town of North Greenbush may remove any or all of such site host and/or permittee’s Clothing Bins,

Donation Bins or Recycling Bins upon 10 days advance notice.

E. A violation of this Chapter shall include, but not be limited to:

1. Unpermitted placement of a Clothing Bin, Donation Bin or Recycling Bin.
2. Failure to adequately or timely respond to a maintenance request pursuant to this Chapter.
3. Failure to maintain a Clothing Bin, Donation Bin or Recycling Bin pursuant to this Chapter.
4. Failure to adhere to Clothing Bin, Donation Bin or Recycling Bin placement and removal provisions pursuant to this Chapter.
5. Failure to adhere to all permitting requirements pursuant to this Chapter.

**§ 80-10 Severability**

In the event that any provision of this chapter shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections and provisions shall remain in full force and effect.