

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 3 of the year 2009

A local law to amend the Code of the Village of Rockville Centre, in relation to
(Insert Title)
regulation of clothing bins.

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

County

City

of Rockville Centre **as follows:**

Town

Village

Section one. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new Chapter, to be Chapter 144, to read as follows:

"Chapter 144. Clothing Bins.

§144-1. Legislative Intent. The Board of Trustees of the Village of Rockville Centre ("Village") hereby finds and concludes that commercial enterprises are engaged in solicitation of donations of clothing, by use of clothing bins having the appearance that such bins will be used for charitable purposes, and that there has been an undesirable proliferation of clothing bins in the Village on Village property and on private property. It

(If additional space is needed, attach pages the same size as this sheet, and number each.)

is the purpose of this chapter to prohibit such commercial activities, and to regulate such non-commercial activities.

§144-2. Definitions. As used in this chapter, the following terms shall have the indicated meanings:

A. Clothing Bin - a container or receptacle held out to the public as a place at which articles of clothing or other personal property may be dropped off, and in which to store such clothing or property until carted away.

B. Village - the Village of Rockville Centre.

§144-3. Prohibitions.

A. No person or entity shall place or maintain, or permit the placement or maintenance of, any clothing bin on any property in the Village if any portion of the proceeds obtained for disposition of the clothing or other personal property deposited in such bin are disbursed or used for any purpose other than a not-for-profit charitable purpose.

B. No person or entity shall place or maintain, or permit the placement or maintenance of, any clothing bin on any residential property in the Village.

C. No person or entity shall place or maintain, or permit the placement or maintenance of, any clothing bin on any public property in the Village without the prior permission of the Board of Trustees.

D. No person or entity shall place or maintain, or permit the placement or maintenance of, any clothing bin on any private non-residential property in the Village without a permit from the Village Building Department issued pursuant to this chapter.

§144-4. Requirement for permit; Standards.

A. Any person or entity wishing to place or utilize a clothing bin on private non-residential property in the Village shall first obtain a permit for the same from the Village Building Department. Such permit shall be valid for a period of one year from the date of issuance. Any such permit may be renewed for successive additional periods of one year each upon the expiration of any existing permit, provided that the clothing bin continues to be placed and maintained as required by this chapter. Payment of a permit fee, in an amount determined by the Board of Trustees from time to time by resolution, shall be required prior to issuance of any permit or renewal thereof.

B. A permit may be issued or renewed pursuant to this chapter only upon a proper demonstration that the person or entity to whom the permit is to be issued is exempt from taxation pursuant to Section 501(c)(3), (4) or (6) of the Internal Revenue Code, as amended.

C. Each clothing bin for which a permit is issued or renewed pursuant to this chapter shall have clearly identified on at least one visible surface, in legible writing, the name, phone number and address of the person or entity to which the clothing bin permit has been issued.

D. No more than two permits for clothing bins shall be permitted to be in effect for any premises in the Village without the prior approval of the Board of Trustees.

E. No clothing bin shall be located in a required parking space or in any other location which is required to remain unobstructed.

§144-5. Enforcement; penalties.

A. Each owner, lessee or other person or entity in control of, or who owns, maintains or operates, any clothing bin located on any property without a valid permit as required by this chapter shall be guilty of a violation.

B. Each owner, lessee or other person or entity in control of any property on which a clothing bin is located or maintained in violation of sections 144-3(A), (B), or (D) of this chapter shall be guilty of a violation.

C. Any violation of this chapter shall be punishable as an offense, and each person or entity convicted of a violation of this chapter shall be punishable by a fine not to exceed \$250 for each day on which the violation occurred, or imprisonment for not more than fifteen days, or both such fine or imprisonment. Each day that a violation of this chapter occurs shall be considered a separate violation.

D. The Village Attorney may, when authorized by the Board of Trustees in an appropriate case, institute a civil action for any other available relief, including injunctive relief, and forfeiture of any clothing bin and the contents thereof, to assure compliance with the provisions of this chapter. In any such action, the court may award the Village reasonable attorneys' fees and expenses for such action.

§144-6. Exemption. The provisions of this chapter shall not apply to any clothing bin which is located on property owned or leased by any religious, charitable or eleemosynary institution, provided that the proceeds of the disposition of clothing or other property deposited in such clothing bin inure solely to the benefit of such institution or another such institution.

§144-7. Severability. In the event that any provision of this chapter shall be determined by a court of appropriate jurisdiction to be illegal or otherwise unenforceable, then only that particular provision shall not be enforced, and all other provisions of this chapter shall remain in full force and effect."

Section two. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

Name of Legislative Body
I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2009 of the ~~(County)~~(City)(Town)(Village) of Rockville Centre was duly passed by the Board of Trustees on October 6, 2009 , in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 200_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 200_, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the City of _____ having been submitted to referendum pursuant to the _____

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____200_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____20_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body.

Date: October 6, 2009

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

~~County~~

~~City~~

of Rockville Centre

~~Town~~

~~Village~~

Date: October 6, 2009