

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

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 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 Depart-

ment. 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.