

VILLAGE OF ISLAND PARK
LOCAL LAW 8 OF 2008

CLOTHING BINS

Section 1: Legislative Intent

It has come to the attention of the Village Board that commercial enterprises are soliciting donations of clothing to clothing bins with the appearance that such clothing will be used for charitable purposes. However, such commercial enterprises may thereafter be selling such clothing with little or no benefit to any charitable organizations. It is the purpose of this chapter to prohibit commercial enterprises from soliciting clothing donations by the furnishing of commercial bins on commercial properties which result in proceeds that do not benefit charitable organizations.

Section 2: Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

CLOTHING BINS - Any container or receptacle held out to the public as a place for people to drop off articles of clothing and to store such clothing until carted away.

Section 3: Prohibitions

- A. No person or other legal entity shall hold any clothing bin out to the public for people to drop off articles of clothing, unless the proceeds from the sale of such clothing shall be utilized for charitable purposes. .
- B. No person or other legal entity shall place or maintain any clothing bin on any premises open to the public except when issued a permit by the Department of Buildings.
- C. The owner, lessee, or other person or legal entity in control of the property where the clothing bin is being maintained and the person or entity which owns, maintains, or operates the clothing bin in violation of this Local Law shall be jointly and severally liable for such violation(s) therefor.

Section 4: Standards

- A. Only entities or organizations that have a tax status under Section 501 (c)(3) of the Internal Revenue Code, as amended , may apply for and obtain a permit from the Building Department. Proof of such tax status must accompany an application for a permit. .
- B. A clothing bin that is subject to the provisions of this Local Law must have clearly identified, in writing, on its face the entity or organization that is maintaining the clothing bin. A phone number and address for such entity must also be written on the clothing bin.
- C. There shall be no fee for application or permit to place a clothing bin subject to the provisions of this Local Law at any location.

Section 5: Enforcement

- A. The owner, lessee, or other person or legal entity in control of the property where a clothing bin is being maintained in violation of this Local Law and the person or entity which owns, maintains, or operates a clothing bin in violation of this Local Law shall be jointly and severally liable therefor.
- B. Code Enforcement officers of the Building Department and the Nassau County Police Department are hereby authorized to issue summonses or appearance tickets, returnable to the Village Justice Court, located at 127 Long Beach Road, Island Park, NY 11558, for any violations of this Local Law.
- C. Any such violation shall be categorized as a petty offense, punishable by a fine of up to \$250 per violation, per day, and/or up to 15 days in jail. Each day that the offense(s) shall continue shall be considered a separate violation.

Section 6: Exemption

This Local Law shall not apply to any clothing bin that is located on premises that is owned or leased by any religious or charitable organization.

Section 7: 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.

This Local Law shall take effect upon proper filing with the Secretary of State.