

**LOCAL LAW #1 OF 2016  
A LOCAL AMENDING  
CHAPTER 30 OF THE CODE OF THE VILLAGE OF GOSHEN ENTITLED  
“NUISANCES”  
BY ADDING A PROVISION TO THIS PORTION OF THE CODE  
REGULATING THE PLACEMENT OF  
CLOTHING BIN CONTAINERS ON ALL PROPERTY IN THE VILLAGE OF  
GOSHEN**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 30 entitled “Nuisances” of the Code of the Village of Goshen by the addition of a provision regulating the placement of Clothing Bin Containers on all property in the Village of Goshen.”

SECTION 2 – PURPOSE

It has come to the attention of the Village Board that commercial and/or private enterprises are soliciting donations of clothing to be placed within clothing bin containers either on private property or within a public right of way. These containers have proven to be unsightly and to create a public nuisance. Those that are placed within a public right of way create a traffic hazard. Further, these bins adversely impair the visual aesthetic that the Village of Goshen seeks to maintain. They are littered with overflow debris, are not adequately maintained and are adverse to the public health, safety and welfare of the citizens of the Village of Goshen. The Village’s *Downtown Streetscape Improvement Plan*, adopted in September of 2015, specifically recommends that said bins be prohibited because of said adverse impact upon the Village.

Accordingly, the Village Board hereby determines that it is appropriate and in the overall public interest to regulate the placement, maintenance and upkeep of clothing bin containers throughout the Village.

### SECTION 3 – AMENDMENT TO TEXT OF CHAPTER 30.

The text of chapter 30 is hereby amended by the addition of a new Article, to be designated as Article VI. It shall read as follows:

#### Article VI. Regulation of Clothing Bin Containers

##### **Sec. 30-130: Definitions**

*Clothing Bin Container:* A container which is placed for the purpose of obtaining used items, including used clothes, furniture and personalty.

*Owner:* A person(s) or entity having legal title to property and also shown as the person(s) or entity who is the owner of the property on the current assessment rolls maintained by the appropriate assessing authority.

*Registrant:* Any person, business entity or corporation that registers a clothing bin pursuant to the provisions of this Chapter.

##### **Sec. 30-131: Permit Required**

A person or entity wishing to place or utilize a clothing bin container within the Village of Goshen in a place that is open or accessible to the public must obtain a permit from the Village of Goshen Building Department. The cost for such permit is hereby established as fifty dollars (\$50.00) per bin. Only the following entities and/or organizations may apply for and obtain a permit:

1. Entities or organizations that have a tax exempt status under Section 501(C)(3) of the Internal Revenue Code, as amended. Proof of such tax status must accompany an application for a permit;
2. Churches, synagogues, mosques, temples and other religious organizations having premises in the Village of Goshen.

##### **Sec. 30-132: Placement of Clothing Bin Containers**

Placement of clothing bin containers is restricted as follows:

1. No clothing bin container shall be located in or on a public right-of-way.
2. No clothing bin container shall be located in an area regularly used or previously approved by the Village of Goshen Planning Board as

designated parking spaces for commercial or business uses without the Building Department's approval.

3. No clothing bin container shall be located so as to interfere with onsite traffic circulation, obstruct traffic vision, or interfere with required landscaping or other requirements of a site plan approval for the premises.
4. Clothing and all other articles must be completely contained within the clothing bin. No accumulation of clothing or other articles will be permitted outside the confines of the clothing bin.
5. The clothing bin container shall at all times be kept in good repair, be structurally sound, leak proof and easily opened and closed. The clothing bin container shall be painted as necessary to prevent the showing of rust and deterioration and be so constructed as to stand firmly upright.
6. All clothing bin containers shall have the name of the company or individual owning such container clearly printed on either the front or back of said container. A phone number and address for such entity and the permit number for the clothing bin container must also be written on the container.
7. No person or entity shall hold any clothing bin container out to the public for the drop off of articles of clothing unless the proceeds from the sale of such clothing shall be utilized for charitable or governmental purposes.
8. No person or entity shall place or maintain a clothing bin container on property containing one or more dwellings or any accommodation for transient occupancy.

### **Sec. 30-133: Required Information**

1. The permit application form shall be approved by the Building Inspector and shall include but not be limited to the name, address and telephone number of the person, entity or organization applying for the permit; the proposed address where the clothing bin container is to be placed and the proposed location on the property; the name and telephone number of the owner of the location at which the container is to be placed; the name and telephone number of any lessee in control of the location at which the container is to be placed; the name and telephone number of the individual who will be placing the container; information as to the manner and schedule for which the container is to be emptied or removed and the destination of the clothing to be removed from the container.
2. The permit to be issued by the Building Department can only be granted when it is determined by the Building Inspector or his designee that:

- (a) The clothing bin container(s) are for use by an entity or organization which falls within the categories listed above;
  - (b) The proper types of clothing bin container(s) are being used as described by this article;
  - (c) The clothing bin container(s) are being placed in a proper location as described by this section;
  - (d) A letter of authority/permission from the owner of the property upon which the clothing bin container(s) are to be and/or are already located has been submitted; and
  - (e) Name, address and phone number of the organization or entity are displayed on each clothing bin container.
3. Upon the sale or transfer of a clothing bin container, a new permit shall be issued to the new owner and the new owner information and permit number written on the bin prior to placing it in service.
  4. The permit requirements of this subsection shall not apply to any clothing bin container that is located on premises that are owned or leased by any religious, charitable or eleemosynary organization, provided that the proceeds from the sale of clothing deposited in said container benefit such organization.
  5. No person or entity shall place or maintain any clothing bin container on any premises open to the public except when issued a permit by the Building Department, except if such entity is exempt.
  6. No person or entity shall place or maintain any clothing bin container on property other than property owned by an entity listed above.
  7. No more than two clothing bin containers shall be placed on a single parcel of land.

The owner, lessee, or other person or legal entity in control of the property where the clothing bin container is being maintained and the person or entity which owns, maintains or operates the clothing bin container in violation of this article shall be jointly and severally liable for such violation(s).

#### **Sec. 30-134: Penalties**

1. Any person or entity violating any provision of this chapter shall, upon conviction therefore, be subject to a fine not to exceed \$250.00 for the first offense.

2. Any person or entity committing an offense hereunder within six months of his or its conviction of any prior offense hereunder shall be fined not less than \$250.00 nor more than \$500.00.
3. In addition to the foregoing, the Village shall have the right to maintain a proceeding in a court of competent jurisdiction for such other further, different and/or alternative relief as it may deem just and proper.
4. The terms, provisions and conditions of this ordinance and the penalties authorized herein may be enforced by the Village of Goshen Building Department and/or the Village of Goshen Police Department.

#### SECTION 4 – TIME PERIOD FOR COMPLIANCE WITH NEW REQUIREMENTS

Persons and/or entities which have placed or maintained clothing bin containers in the Village of Goshen prior to the effective date of this local law and property owners where such clothing bin containers are placed shall have one-hundred (180) days following the effective date of this local law to comply with the requirements imposed by this local law.

#### SECTION 6 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 7 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.