

Local Law Filing

(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 Town Village
(Select one:)

of Town of Greenburgh

Local Law No. 4 of the year 20²⁴

A local law creating a New Chapter 343 in the Code of th Town of Greenburgh entitled
(Insert Title)
Donation Bins, Clothing Bins and Recycling Bins

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

County City Town Village
(Select one:)

of Greenburgh as follows:

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

(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.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2024 of the (County)(City)(Town)(Village) of Town of Greenburgh was duly passed by the Town Board on April 24 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* 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.

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 20____ of the City of _____ having been submitted to referendum pursuant to the 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 _____ 20____, 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 20____ 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 a 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.

Risa Maria Nero

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

Date:

5/7/2024

(Seal)

**RESOLUTION ADOPTING A LOCAL LAW CREATING A
NEW CHAPTER 343 IN THE CODE OF THE TOWN OF
GREENBURGH ENTITLED “DONATION BINS,
CLOTHING BINS AND RECYCLING BINS”**

WHEREAS, the Town Board of the Town of Greenburgh finds it in the best interest of the Town to adopt a local law which requires that donation bins identify information about the proposed use of donations received and to regulate donation bins in accordance with General Business Law §399-bbb; and

WHEREAS, on April 10, 2024, the Town Board of the Town of Greenburgh held a public hearing on the proposed Local Law, at which all interested parties were given the opportunity to be heard, and written comments were accepted for a period of time thereafter;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby adopts the attached Local Law adding a new Chapter 343 to the Code of the Town of Greenburgh, entitled “Donation Bins, Clothing Bins, and Recycling Bins.”





TOWN of GREENBURGH

Local Law No. 4 / 2024

A local law amending the Town Code of the Town of Greenburgh, pursuant to the New York State Constitution Article IX and New York Municipal Home Rule § 10 by creating a new Chapter 343 entitled, "Donation Bins, Clothing Bins and Recycling Bins" in the Town Code of the Town of Greenburgh.

BE IT ENACTED by the Town Board of the Town of Greenburgh:

- § 1. **Title.**
- § 2. **Legislative Findings and Intent.**
- § 3. **Creating Chapter 343 of the Code of the Town of Greenburgh**
- § 4. **Supersession.**
- § 5. **Severability.**
- § 6. **Effective Date.**

§ 1. Title.

This local law is entitled "Donation Bins, Clothing Bins and Recycling Bins."

§ 2. Legislative Findings and Intent.

The Town Board of the Town of Greenburgh finds it in the best interest of the Town to adopt a local law which would require that donation bins identify information about the proposed use of donations received and regulate donation bins in accordance with General Business Law §399-bbb. The Town Board finds that residents are easily misled to think that clothing dropped in an unmarked bin is going to charity when, in fact, that is not the case, and, oftentimes, bins are set up by for-profit enterprises that take the discarded clothing and resell it or shred it and sell it for profit. The purpose of this chapter is to provide transparency to the residents regarding their gifts to charity using bins.

§ 3. Creation of Chapter 343 entitled "Donation Bins, Clothing Bins and Recycling Bins" of the Code of the Town of Greenburgh.

The Code of the Town of Greenburgh is hereby amended by creating Chapter 343, which shall read as follows:

§343-1 Legislative finding and intent.

The Town Board of the Town of Greenburgh finds it in the best interest of the Town to require that donation bins, clothing bins and recycling bins identify information about the proposed use of donations received and to regulate donation bins, clothing bins and recycling bins in accordance with General Business Law §399-bbb. The Town Board finds that residents are easily misled to think that clothing dropped in an unmarked bin is going to charity when, in fact, that is not the case, and, oftentimes, bins are set up by for-profit enterprises that take the discarded clothing and resell it or shred it and sell it for profit. The purpose of this chapter is to provide transparency to the residents regarding their gifts of clothing, shoes, textiles, books, and other similar household items to charity.

§343-2 Definitions.

DONATION BINS, CLOTHING BINS AND RECYCLING BINS

An unattended receptacle, trailer or container made of metal, wood, steel, plastic or similar material for permanent or temporary use which collects unwanted clothing, shoes, textiles, books, and other similar household items from members of the public.

DONATION BIN, CLOTHING BIN AND RECYCLING BIN OWNER

Any business, organization, firm or other entity that is an owner operator or lessor of a Donation Bin, Clothing Bin or Recycling Bin.

§343-3 Information, labeling and other requirements.

- A. All Donation Bin, Clothing Bin and Recycling Bin Owners shall be required to file an informational sheet with the Town Clerk's Office in the Town of Greenburgh with the following information prior to placing the Donation Bin, Clothing Bin or Recycling Bin and accepting donations:
- (1) The name, dimensions, design, signage, and location of their Donation Bin, Clothing Bin or Recycling Bin;
 - (2) Contact information for the owner, lessee, or other person or legal entity in control of the property on which the Donation Bin, Clothing Bin or Recycling Bin will be located;
 - (3) Contact information for the Donation Bin, Clothing Bin or Recycling Bin Owner or representative that can provide additional information and respond to concerns about the maintenance of the Donation Bin, Clothing Bin or Recycling Bin;

- (4) A description of the purpose of the collection and whether it is for profit or for charity; and
 - (5) An acknowledgement that the Donation Bin, Clothing Bin or Recycling Bin Owner(s) shall comply with New York State General Business Law §399-bbb and this chapter.
- B. Donation Bins, Clothing Bins or Recycling Bins shall comply with the following requirements:
- (1) Shall not be placed anywhere on a lot with a residential dwelling.
 - (2) Shall be placed outside of an enclosed building on a flat, solid, dust-free surface and anchored.
 - (3) Shall be located in a manner that preserves adequate sight lines, on-site parking and driveway space, pedestrian access and any other elements determined by the Building Inspector to preserve safe and adequate vehicle and pedestrian circulation on the premises.
 - (4) Shall be entirely enclosed except for an opening that is the minimum size necessary to allow for the deposit of donations. There shall be a door used to access the Donation Bins, Clothing Bins or Recycling Bins which shall be locked so that the contents may not be accessed by anyone other than those responsible for the retrieval of the contents. No Donation Bin, Clothing Bin or Recycling Bin shall have a one-way trap-door device.
 - (5) The maximum size shall not exceed six (6) feet in width by six (6) feet in length, by six (6) feet in height.
 - (6) Shall contain signage or text identifying what types of items may and may not be deposited therein and other information required by New York State General Business Law §399-bbb and this Chapter.
 - (a) Signs or text shall be placed on the sides of the Donation Bins, Clothing Bins or Recycling Bins and shall not be placed on a side that faces a lot line of an abutting residential lot.
 - (b) The sign(s) or text shall contain the current telephone number for the public to contact in the event said Donation Bin, Clothing Bin or Recycling Bin is not being adequately maintained.
 - (c) Signs shall not exceed two (2) feet by four (4) feet in dimension and shall not be illuminated.
 - (d) The sign(s) or text shall identify the Donation Bins, Clothing Bins or Recycling Bins' sponsor, intended use and the charitable, religious,

scientific, literary, sporting, educational or governmental purpose of the sponsor that will be advanced by donations, if applicable.

- [1] If clothing items collected are to be shredded and sold for profit, the sign or text must state in block letters, at least 2 inches in height that “CLOTHING COLLECTED IS TO BE SHREDDED AND SOLD. PROCEEDS TO GO TO A FOR-PROFIT VENDOR”
 - [2] If clothing items collected are to be shredded and sold with all proceeds going to charitable organizations, the sign or text must state in block letters, at least 2 inches in height that “CLOTHING COLLECTED IS TO BE SHREDDED AND SOLD. ALL PROCEEDS GO TO A CHARITABLE ORGANIZATION”
 - [3] If clothing items collected are to be shredded and sold with a portion of the proceeds going to charitable organizations, the sign or text must state in block letters, at least 2 inches in height that “CLOTHING COLLECTED IS TO BE SHREDDED AND SOLD. A PORTION OF THE PROCEEDS GO TO A CHARITABLE ORGANIZATION”
 - [4] If clothing items collected are to be sold for profit, the sign or text must state in block letters, at least 2 inches in height that “CLOTHING COLLECTED IS TO BE SOLD. PROCEEDS TO GO TO A FOR-PROFIT VENDOR”
 - [5] If clothing items collected are to be sold with a portion of the proceeds going to charitable organizations, the sign or text must state in block letters, at least 2 inches in height that “CLOTHING COLLECTED IS TO BE SOLD. A PORTION OF THE PROCEEDS GO TO A CHARITABLE ORGANIZATION”
 - [6] If clothing items collected are to be donated to charitable organizations and any unusable items may be shredded with the proceeds going to charitable organizations, the sign or text must state in block letters, at least 2 inches in height that “CLOTHING COLLECTED IS TO BE DONATED TO CHARITABLE ORGANIZATIONS. IF THE CLOTHING IS DEEMED UNUSABLE, IT WILL BE SHREDDED AND SOLD. ALL PROCEEDS GO TO A CHARITABLE ORGANIZATION”
- (7) Any person, permittee, owner, tenant, lessee and/or agent having a legal interest in the subject property, who has upon her/his property or whose name appears upon a Donation Bin, Clothing Bin or Recycling Bin, shall maintain it and its surrounding area in a clean and neat condition, consistent with the provisions of this Code, and the following:

- (a) any graffiti must be removed within seventy-two hours following notice of its existence;
 - (b) if it becomes damaged or vandalized, it shall be repaired, replaced or removed within five days of receipt of notice of such vandalism, unless the damage is such as to constitute a danger to persons or property in which case it shall be made safe within twenty-four hours of notice of said condition; and
 - (c) each Donation Bin, Clothing Bin or Recycling Bin must be regularly emptied of its contents so that it does not overflow, resulting in clothing or other material being strewn about the surrounding area.
- C. There shall be no more than two (2) Donation Bins, Clothing Bins or Recycling Bins located on any property.
- D. Enforcement, penalties for offenses, and injunctions.
- (1) The owner, lessee, or other person or legal entity in control of the property where a Donation Bin, Clothing Bin or Recycling Bin is being maintained in violation of this chapter and the person or entity which owns, maintains, or operates a Donation Bin, Clothing Bin or Recycling Bin in violation of this chapter shall be jointly and severally liable therefor.
 - (2) The Building Inspector and/or Code Enforcement Officials are hereby authorized to enforce any violation of this chapter.
 - (3) Any person, owner, tenant, lessee and/or agent having a legal interest in the subject property who has upon their property a Donation Bin, Clothing Bin or Recycling Bin in violation of this chapter shall remove or correct such violation when ordered to do so by the Building Inspector and/or Code Enforcement Official within 30 days of the service of written notice.
 - (4) Any person found guilty of a violation of any provision of this chapter shall be liable to a fine not exceeding \$500 for conviction of a first offense; for conviction of a second offense, punishable by a fine of not less than \$500 nor more than \$1,500; and upon conviction for a third or subsequent offense, punishable by a fine of not less than \$1,500 nor more than \$2,500 to be recovered with costs. Each and every day a violation continues to exist shall constitute a separate additional offense. Nothing in this chapter shall be construed as depriving the Town or the Town Board or any official thereof of the right to apply for an injunction to prevent any violation of this chapter or of the right to employ any other available remedy.

§ 4. Supersession:

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

§ 5. Severability:

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

§ 6. Effective Date:

This law shall take effect immediately upon filing with the Secretary of State.