

**TOWN OF THOMPSON  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

**NOTICE IS HEREBY GIVEN** that there has been duly introduced at a meeting of the Town Board of the Town of Thompson, New York, held on April 05, 2016, a proposed Local Law No. 02 of 2016, entitled "A local law adding Chapter 117 entitled 'Clothing Bins, Donation Bins and Recycling Bins' to the Town of Thompson Code to establish rules and regulations and provide registration of Clothing Bins, Donation Bins and Recycling Bins".

**NOTICE IS FURTHER GIVEN** that the Town Board of the Town of Thompson will conduct a public hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on May 03, 2016 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

The proposed Local Law will establish rules and regulations and provide registration of Clothing Bins, Donation Bins and Recycling Bins.

Copies of the Local Law described above are on file in the office of the Town Clerk of the Town of Thompson, where the same are available to public inspection during regular office hours.

**PLEASE TAKE FURTHER NOTICE**, that all interested persons will be given an opportunity to be heard on said proposed Local Law at the place and time aforesaid.

**NOTICE IS HEREBY GIVEN**, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Thompson will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed Local Law described above and, as deemed advisable by said Board, taking action on the enactment of said Local Law.

Dated: April 05, 2016

BY ORDER OF THE TOWN BOARD

TOWN OF THOMPSON

MARILEE J. CALHOUN, TOWN CLERK

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.

Town of Thompson *Proposed*

Local Law No. 2 of the year 2016

A local law adding Chapter 117 entitled "Clothing Bins, Donation Bins and Recycling Bins" to the Town of Thompson Code to establish rules and regulations and provide registration of Clothing Bins, Donation Bins and Recycling Bins.

Be it enacted by the Town Board of the

Town of Thompson

1. Chapter 117 is hereby created as follows:

#### CHAPTER 117: CLOTHING BINS, DONATION BINS and RECYCLING BINS

##### **§117-1 Legislative Intent**

It has come to the attention of the Town Board that there has been a proliferation of Clothing Bins, Donation Bins and Recycling Bins that have been unattended, vandalized, or left in such disrepair as to become eyesores. This local law is intended to protect the public health, safety and welfare and protect the environment by establishing rules and regulations for Clothing Bins, Donation Bins and Recycling Bins.

##### **§117-2 Definitions**

**Clothing Bins, Donation Bins and Recycling Bins.** An attended or unattended receptacle, trailer or container made of metal, wood, steel or similar material for permanent or temporary use, designed or intended for the collection of unwanted clothing, shoes, textiles, books and other similar household items.

**Site Host.** The owner or lessee of the property site of a Clothing Bin, Donation Bin or Recycling Bin within the Town of Thompson.

**Clothing Bin, Donation Bin and Recycling Bin Owner.** Any organization, firm or other entity that is an owner operator or lessor of a Clothing Bin, Donation Bin or Recycling Bin pursuant to this Chapter.

**Municipal Corporation.** An incorporated political subdivision of a state that is composed of the citizens of a designated geographic area and which performs certain state functions on a local level and possesses such powers as are conferred upon it by the state. For this section, Fire Districts are included within this definition.

### **§117-3 Prohibition**

A. It shall be unlawful to erect, place, maintain or operate any Clothing Bin, Donation Bin or Recycling Bin (hereinafter “Bins”) as defined in this chapter in the Town of Thompson.

B. Exceptions. Any municipal corporation is permitted to place up to two Bins on its own property pursuant to rules and regulations promulgated herein.

### **§117-4 Placement of Clothing Bins, Donation Bins or Recycling Bins**

A. A Clothing Bin, Donation Bin or Recycling Bin shall be placed on the site in a manner that does not impede vehicular or pedestrian traffic flow.

B. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed within the municipal right-of-way and shall adhere to the setback standards for the site where they are placed.

C. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed in a required parking space or reduce the number of parking spaces below the minimum number required by the Town of Thompson Land Use Law and related approvals.

D. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed on sidewalks and must allow for a minimum of five (5) feet of pedestrian walkway in front of the Clothing Bin, Donation Bin or Recycling Bin.

E. A Clothing Bin, Donation Bin or Recycling Bin shall not be placed within the sight triangle of any intersection.

F. No more than two Clothing Bins, Donation Bins or Recycling Bins shall be placed on any parcel.

G. No Clothing Bin, Donation Bin or Recycling Bin shall be placed any closer to any facing street than the side of the building facing said street.

H. If the lot on which any Clothing Bin, Donation Bin or Recycling Bin is to be located is a non-conforming lot in size for its current use, the Code Enforcement Officer or Building Inspector may deny the permit and refer the owner to the Planning Board for site plan approval.

I. No Clothing Bin, Donation Bin or Recycling Bin shall be permitted on any parcel which has a building violation or any parcel which is not in compliance with the approved site plan for said parcel or in the absence of an approved site plan any parcel which is not in compliance with site standards for the current use of the parcel.

J. No Clothing Bin, Donation Bin or Recycling Bin shall be placed on a vacant lot or on residential property. They may be placed only in areas with HC-1 or HC-2 Zoning.

K. A Clothing Bin, Donation Bin or Recycling Bin must be installed on blacktop, concrete or on other impervious surfaces such that weeds and grass are prevented from penetrating said surfaces.

L. Any Clothing Bin, Donation Bin or Recycling Bin placed next to a building shall be placed in such a way that walkways are not obstructed or diminished and so that pedestrian traffic is not directed or diverted into the path of any travelled way for vehicles.

#### **§117-5 Information and Label Requirement for all Bins**

The front of every Clothing Bin, Donation Bin or Recycling Bin shall conspicuously display the following:

- A. The name, address, telephone number and the internet web address of the Owner and Operator of the Clothing Bin, Donation Bin or Recycling Bin.
- B. A statement, in at least two-inch typeface, that either reads: “this collection bin is owned and operated by a not-for-profit organization” or “this collection bin is owned and operated by a for-profit organization”.
- C. If the Clothing Bin, Donation Bin or Recycling Bin is owned by a not-for-profit organization, the front of the collection bin shall also conspicuously display a statement describing the charitable causes that will benefit from the donations;
- D. If the Clothing Bin, Donation Bin or Recycling Bin is owned by a for-profit company, the front of the collection bin shall conspicuously display a statement that reads “[name of company] is a for-profit company, deposits are not tax deductible”.
- E. A Clothing Bin, Donation Bin or Recycling Bin operated by a for-profit entity on behalf of or in conjunction with a not-for-profit organization shall have the name, address, telephone number and internet web address of both entities on the front of the bin.

#### **§117-6 Violations and Penalties**

- A. The site host, permittee or other person or entity in control of the property where a Clothing Bin, Donation Bin or Recycling Bin is found to be in violation of this chapter shall be jointly and severally liable therefor.
- B. Code Enforcement Officers of the Building Department and Officers of any Police agency are hereby authorized to issue notices of violation, summonses or appearance tickets, returnable in the Town Court of the Town of Thompson, for any violation of this Chapter.
- C. In addition to any other penalty that may be imposed for an offense against the Penal Law, any violation of this Chapter shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for the first such offense.
- D. For each subsequent offense, a violation of this Chapter shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) per week thereafter. Each week such offense is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder without further need for the Town to issue additional notices of violation, summonses or appearance tickets. The Town may also bring an action or proceeding to enjoin the offense and to recover any costs incurred by the Town for removing and/or storing the bin or otherwise remedying conditions brought about by the offense of this

chapter. If a site holder and/or permittee is found to have violated the provisions of this Chapter on more than 3 occasions in a calendar year, the site holder and/or permittee shall, in addition, be deemed ineligible to place, use or employ a Clothing Bin, Donation Bin or Recycling Bin within the Town of Thompson pursuant to this Chapter for a period of five years, and the Town of Thompson may remove any or all of such site host and/or permittee's Clothing Bins, Donation Bins or Recycling Bins upon 10 days advance notice. The Town of Thompson may dispose of any Clothing Bin, Donation Bin or Recycling Bin in any manner without further notice.

E. A violation of this Chapter shall include, but not be limited to:

1. Unpermitted placement of a Clothing Bin, Donation Bin or Recycling Bin.
2. Failure to adequately or timely respond to a maintenance request pursuant to this Chapter.
3. Failure to maintain a Clothing Bin, Donation Bin or Recycling Bin pursuant to this Chapter.
4. Failure to adhere to Clothing Bin, Donation Bin or Recycling Bin placement and removal provisions pursuant to this Chapter.
5. Failure to adhere to all permitting requirements pursuant to this Chapter.

#### **§117-7 Management Maintenance Requirement**

- A. Site host is responsible to maintain the aesthetic presentation of each Clothing Bin, Donation Bin or Recycling Bin, including fresh paint, readable signage and general upkeep.
- B. Site host must respond to Clothing Bin, Donation Bin or Recycling Bin maintenance complaints within 24 hours of receiving notification during regular business hours.
- C. Site host must remove graffiti within 72 hours following receipt of notice of its existence.
- D. If a Clothing Bin, Donation Bin or Recycling Bin becomes damaged or vandalized, it shall be repaired, replaced or removed within 5 days of receipt of notice of such condition.
- E. Each Bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing being strewn about the surrounding area.
- F. The Bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the Bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
- G. The placement of any Clothing Bin, Donation Bin, or Recycling Bin on any municipality's property is subject to site plan review by the Town of Thompson Planning Board.

## **§117-8 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.

2. The Town hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act (“SEQRA”) is required.
3. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order 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 thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
4. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out the matter therein 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. \_\_\_ of 2016 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2016 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2016, 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. 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 \_\_\_\_\_ 2016, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2016 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 2016 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of sections 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 a special/general election held on \_\_\_\_\_ 2016 became operative.

~~\* 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, chairman 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.~~

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_ 2016, 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 of 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 the 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,  
village clerk or officer designated by local legislative  
body~~

Date: \_\_\_\_\_, 2016

(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 SULLIVAN

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

Date: \_\_\_\_\_, 2016

\_\_\_\_\_  
Attorney for Town of Thompson