

**LOCAL LAW #2 OF 2017  
A LOCAL AMENDING  
THE CODE OF THE VILLAGE OF WALDEN  
BY ADDING A NEW CHAPTER, TO BE DESIGNATED AS CHAPTER 215,  
REGULATING THE PLACEMENT OF CLOTHING BIN CONTAINERS  
ON ALL PROPERTY IN THE VILLAGE OF WALDEN**

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Chapter 215 entitled “Property Maintenance” of the Code of the Village of Walden by the addition of a provision regulating the placement of Clothing Bin Containers in commercial property in the Village of Walden.”

**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 Walden seeks to maintain. They are often times 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 Walden.

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 Code of the Village of Walden is hereby amended by the addition of a new Chapter, to be designated as Chapter 215. It shall read as follows:

**Chapter 215. Regulation of Clothing Bin Containers**

**Sec. 215-1: Definitions**

*Clothing Bin Container:* A container which is placed for the purpose of obtaining discarded items of clothing only. Clothing bin containers shall be no larger than four feet wide and six feet tall (4’ by 4’ by 6’ tall.)

*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. 215-2: Permit Required**

A person or entity wishing to place or utilize a clothing bin container within the Village of Walden in a place that is open or accessible to the public must obtain a permit from the Village of Walden Building Department. The cost for such permit is hereby established as fifty dollars (\$50.00) per clothing bin. No more than two (2) clothing bins shall be located on any one property. The permit shall be valid for a period of one (1) year and must be renewed on an annual basis. A new fee of fifty dollars (\$50.00) shall be paid each year. Failure to abide by the terms set forth herein shall be grounds to deny the re-issuance of a permit. 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 Walden.

### **Sec. 215-3: 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 designated, regularly used or previously approved by the Village of Walden Planning Board as parking spaces for commercial or business uses.
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 bins may not be located within a front yard as that term is defined in the Village Code.
5. 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.

6. 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.
7. All clothing bin containers shall have the building permit number, 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.
8. 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.
9. No person or entity shall place or maintain a clothing bin container on property that is used for residential purposes. The clothing bin container should be adequately screened from public view as may be appropriate in the judgement of the Village Building Inspector. Clothing bin containers shall only be permitted in the following zoning districts: B1; B2; B3; B4 and MX.

#### **Sec. 215-4: 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. 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.
  5. 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) therefore

#### **Sec. 215-5: Penalties**

1. Any person or entity violating any provision of this chapter shall, in addition to any other penalty set forth herein and in addition to any other remedy at law, be subject to having the clothing bin container removed from the premises and thereof disposed of in accordance with the procedures outlined in section 214-8 hereof.
2. In addition to the foregoing, 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 and 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 Walden Building Department and/or the Village of Walden 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 Walden 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 5 - 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 6 - 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.