

DONATION BIN APPLICATION

APPLICATION FEE: \$50.00 - PAYABLE TO VILLAGE OF WOODBURY

1. **Name/Address/Phone Number of Applicant/Owner of Premises:**

2. **Address of Premises:** _____

3. **Zoning District:** _____

4. **Location of Bin:** (Provide hand written map, include all streets, driveways, buildings, etc. per Village of Woodbury Code Section 111-5. Include map to scale showing distance to the property line).

5. **Bin Color:** _____

6. **Provide 501 (3) C Certificate or Not For Profit Entity Sponsorship.**

7. **Name/Address/Phone Number of Bin Owner or Corporation:** _____

Print Name: _____ Date: _____

Signature: _____

THIS SECTION FOR BUILDING DEPARTMENT ONLY

Fee Paid: _____ Check #: _____

Approved: _____ Denied: _____

Comments: _____

Signature: _____ Date: _____

Local Law 3 of 2013

A LOCAL LAW CREATING CHAPTER 111 OF THE CODE OF THE VILLAGE OF WOODBURY ENTITLED "DONATION BINS"

BE IT ENACTED by the Village Board of the Village of Woodbury, Orange County, New York, as follows:

SECTION 1 A new Chapter 111 of the Village Code is enacted as follows:

CHAPTER 111 - DONATION BINS

§111-1 Statement of Legislative Findings	§111-2 Definitions
§111-3 Prohibitions	§111-4 Permit Requirements
§111-5 Placement of Donation Bins	§111-6 Enforcement; Penalties for Offenses

§111-1 Statement of Legislative Findings

The purpose of this chapter is to provide regulations regarding outdoor donation bins and the placement of donations bins and to prohibit the use of donation bins that do not benefit charitable organizations. However, such commercial enterprises may thereafter be selling such items with little or no benefit to the charitable organization. It has come to the attention of the Village Board of Trustees that these bins are being installed with the appearance that donations will be used for charitable purposes.

§111-2 Definitions

DONATION BIN - Any container or receptacle placed on premises for use as a temporary storage where the public may drop off such items as clothing, books, household goods, etc.

§111-3 Prohibitions

- A. No person or other legal entity shall place any donation bin out to the public for people to drop off articles unless the proceeds from the sale of such clothing shall be utilized for charitable purposes registered under Section 501(c)(3) of the Internal Revenue Code.
- B. No person or other legal entity shall place or maintain any donation bin on any premises open to the public except when issued a permit by the Building Department.
- C. The owner, lessee, or other person or legal entity in control of the property where the donation bin is being maintained and the person or entity which owns, maintains, or operates the donation bin in violation of this chapter shall be jointly liable for such violation(s) therefore.
- D. Donation bins shall be maintained regularly and shall not be permitted to be allowed to overflow. A three foot area around the bin shall be clear from all debris and vegetation growth.

§111-4 Permit Requirements

- A. Any person or entity wishing to place or utilize a donation bin within the incorporated area of the Village of Woodbury in a place that is open to the public must obtain a permit from the Building Department. The one-time fee for this permit is \$50.00. The permit shall automatically renew annually unless the bin has been changed (painted a different color, new ownership) or a written complaint is received by the Building Department about the state of the bin.
- B. 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. Proof of such tax status must

accompany an application for a permit or in lieu of the requirement a local register charity or not for profit entity may sponsor a donation bin. These include, but are not limited to, places of worship, Police (PBA), Fire, Ambulance, etc.

§111-5 Placement of Donation Bins

- A. There shall be no more than two donation bins per premises.
- B. The donation bin colors shall be one of the following: red, black, tan, green. If two donation bins are located on a property, both donations bins must be of the same color.
- C. No donation bin shall be placed forward of the front building line of a building located on the same lot in which the donation bin is placed.
- D. No donation bin shall be placed closer than six feet to any property line.
- E. No donation bin shall be placed where it will impede pedestrian or vehicle traffic, which includes sight lines, sidewalks, parking spaces, etc. It may be permissible to install a donation bin in a parking area provided the Code Enforcement Officer of the Building Department deems that adequate parking exists. No more than one parking space may be utilized for this purpose. Placement of the bins shall follow the intent of the site plan on file for the lot. If there is no existing site plan on file for the lot, then Planning Board approval is required.

§111-6 Enforcement; Penalties for Offenses

- A. The owner, lessee, or other person or legal entity in control of the property where a donation bin is being maintained in violation of this chapter and the person or entity which owns, maintains, or operates a donation bin in violation of this chapter shall be jointly liable therefore. Donation bins that exist prior to the effective date of this local law will have three months to comply.
- B. Code Enforcement Officers of the Building Department are hereby authorized to issue violation and appearance tickets for any violations of this chapter.
- C. Any such violation shall be categorized as a petty offense, punishable by a fine of up to \$250 per violation, per day. Each day that the offense(s) shall continue shall be considered a separate violation.

§111-7 Exemption

The application fee for this permit shall not apply to any donation bin that is located on premises that is owned or leased by any religious/charitable organization, State, Federal, County or local government entity.

SECTION 2 Savings Clause

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 3 Effective date.

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