

**RESOLUTION NO. 98 -2010, ADOPTING LOCAL LAW  
NO. 4 -2010, A LOCAL LAW TO STRENGTHEN THE  
ENFORCEMENT OF CLOTHING BIN IDENTIFICATION  
REQUIREMENTS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on January 4, 2010, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE ENFORCEMENT OF CLOTHING DONATION BIN IDENTIFICATION REQUIREMENTS**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 4 -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO STRENGTHEN THE ENFORCEMENT OF CLOTHING BIN  
IDENTIFICATION REQUIREMENTS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature finds and determines that it recently enacted Local Law No. 51-2008, the purpose of which was to provide transparency to the residents of Suffolk County regarding their gifts of clothing to charity via clothing donation bins.

The Legislature further finds and determines that pursuant to Local Law No. 51-2008 clothing donation bin owners are required to place certain identifying information on such clothing bin, including the charity registration number assigned by the Charities Bureau of the Office of the New York State Attorney General or, in the case of for-profit organizations, a statement that "THIS IS A FOR-PROFIT CLOTHING BIN".

This Legislature hereby finds and determines that certain owners of clothing donation bins persist in misleading residents to believe that clothing dropped into such bins will be distributed for charitable purposes.

This Legislature further finds and determines that in order to ensure that owners of clothing donation bins properly follow the required identification and display requirements set forth by this Legislature it is necessary to enact stricter enforcement mechanisms.

**Section 2. Amendments.**

Chapter 266 of the SUFFOLK COUNTY REGULATORY LAWS is hereby amended to read as follows:

**§ 266-7 Impoundment and Redemption**

- A. In the event that a clothing donation bin is not in compliance with the identification and display provisions of this Chapter, the Office of Consumer Affairs shall post a notice of violation on such bin. If the owner's address is displayed on such bin, the Office shall also mail a copy of the notice of violation via certified mail to such address.
- B. The notice of violation shall include, at the minimum, the following:
1. a description of the violation
  2. a warning that the clothing donation bin must be brought into compliance within fourteen (14) days from the date of the notice of violation or such bin shall be subject to impounding as set forth in Section C below.
  3. contact information pursuant to which the owner may request one extension of up to fourteen (14) days in order to obtain compliance. Such extension may be granted in whole or in part by the Director of the Office of Consumer Affairs upon the owner's showing of good cause. In no event shall any extension be in excess of twenty-eight days from the date of the notice of violation.
- C. If a clothing donation bin has not been brought into compliance within fourteen (14) days following the date of the notice of violation or, if an extension has been granted, within the time allotted by such extension, the County of Suffolk may seize and impound a clothing donation bin for failure to comply with the provisions of this Chapter.
- D. Such impounded clothing donation bin shall be stored by the County of Suffolk until it has been reclaimed by the owner consistent with the provisions of this Chapter. The owner of the clothing donation bin shall be sent notice of such impoundment at the owner's last known address by certified mail within five days after the impoundment. Neither Suffolk County nor any agency thereof shall be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the clothing donation bin utilized in violation of this article may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$1000. Such impounded clothing donation bin may only be released to the owner of the clothing donation bin or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- E. If the owner of an impounded clothing donation bin does not reclaim such bin within one-year of the date of impoundment, the County of Suffolk may, at its discretion, dispose of such bin.
- F. The provisions of this Section shall be in addition to any other penalties set forth by law.

§ 266-8 [7]. Promulgation of rules and regulations

The Director of the Suffolk County Office of Consumer Affairs is hereby authorized, empowered and directed to promulgate such rules and regulations as he deems necessary for the implementation and enforcement of the provisions of this chapter. Such rules shall govern the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and

Rules relating to the assessment of civil penalties herein authorized. Such rules shall further provide for due process procedural mechanisms and any other mechanisms deemed necessary by the Suffolk County Attorney.

§ 266-9 [8]. Applicability

This chapter shall apply to all actions occurring on or after the effective date of this chapter.

§ 266-10 [9]. When effective

This chapter shall take effect no sooner than 120 days after filing in the Office of the Secretary of State.

**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, 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 in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

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

[ ] Brackets denote deletion of language.

— Underlining denotes addition of new language.

DATED: March 2, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: March 25, 2010

After a public hearing duly held on March 16, 2010  
Filed with the Secretary of State on April 13, 2010