

**LOCAL LAW #4 OF 2015  
A LOCAL AMENDING  
CHAPTER 30 OF THE CODE OF THE VILLAGE OF GOSHEN ENTITLED  
“NUISANCES”  
BY ADDING A PROVISION TO THIS PORTION OF THE CODE  
PROHIBITING THE PLACEMENT OF  
CLOTHING BIN CONTAINERS ON ALL PROPERTY IN THE VILLAGE OF  
GOSHEN**

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

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Chapter 30 entitled “Nuisances” of the Code of the Village of Goshen by the addition of a provision prohibiting the placement of Clothing Bin Containers on all property in the Village of Goshen.”

**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 haven proven to be unsightly and to create a public nuisance. Those that are placed with a public right of way create a traffic hazard. Further, these bins adversely impair the visual aesthetic that the Village of Goshen seeks to maintain. They are 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 Goshen. The Village’s *Downtown Streetscape Improvement Plan*, adopted in September of 2015, specifically recommends that said bins be prohibited because of said adverse impact upon the Village.

Accordingly, the Village Board hereby determines that an outright prohibition is the only feasible method to effectively ameliorate the public nuisance created by these clothing bin containers.

It is therefore the purpose of this chapter to prohibit all clothing bin containers which accept donations of clothing on all properties in the Village of Goshen

**SECTION 3 – AMENDMENT TO TEXT OF CHAPTER 30.**

The text of chapter 30 is hereby amended by the addition of a new Article, to be designated as Article VI. It shall read as follows:

## **Article VI. Prohibition against Clothing Bin Containers**

### **Sec. 30-130: Clothing Bin Containers Prohibited**

The placement of clothing bin containers used to accept to accept donations of clothing and related items is expressly prohibited throughout the Village.

### **Sec. 30-131: Penalties**

A. 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 offense.

B. 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.

C. 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.

### **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 Goshen 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 6 - 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 7 - 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.