

Introduced by: Legislator Wayne Wink

LOCAL LAW NO 3-2010

A LOCAL LAW in relation to drop-off bins in the county of Nassau.

Passed by the Nassau County Legislature on December 21, 2009

Voting: ayes: 18, nays: 0, abstained: 0

Became a law on January 21, 2010

FORM APPROVED  
*[Signature]*  
INTERIM MAJORITY COUNSEL

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

Section 1. This law shall appear in the Miscellaneous Laws as Title 74.

§.0 Short Title. This law shall be known as "Drop-off Bins."

§ 1 Legislative Intent. This Legislature finds and determines that unidentified drop off bins needs to be regulated. The Legislature further finds that residents are easily misled to think that items dropped in an unmarked bin are going to charity, when, in fact, that is not the case, and oftentimes, bins are set up by for-profit enterprises that take the discarded clothing and resell it for profit. Therefore, the primary purpose of this law is to provide transparency to the residents of the County regarding their donations.

§ 2. Definitions. As used in this law, the following terms shall have the meanings indicated:

"Drop off bin" means any enclosed receptacle or container made of metal, steel or a similar product designed or intended for the donation and the temporary storage of clothing, toys or other items.

"Owner" means the person or entity having legal title to the property and/or the person shown as the owner of the property on the current assessment rolls of the County.

“Person” means any individual, business, firm, partnership, limited liability partnership, corporation, company, limited liability company, society, association, or any organized group of persons whether incorporated or not.

§ 3. Prohibition, regulation and duty to maintain.

- A. No Person shall place a drop off bin on any County property or property maintained by the County, or on any other public sidewalk, roadway, or right-of-way.
- B. No person shall place a drop off bin on private property without first filing with the Nassau County Department of Consumer Affairs written authorization from the owner and a statement indicating what organization the proceeds will benefit.
- C. No person shall place, use or employ a drop off bin that does not display the following information:
  - 1. the name, location of the principal place of business and the telephone number of the person placing, using or employing a drop off bin; and
  - 2. the charity registration number assigned by the Charities Bureau of the Office of the New York State Attorney General to the person placing, using or employing a drop off bin.
- D. No drop off bin shall be used for advertising or promotional purposes other than the name, location of the principal place of business and the telephone number of the person placing, using or employing a drop off bin.
- E. The drop off bin shall be placed on a paved surface.
- F. No drop off bin shall be larger than six (6) feet high by six (6) feet wide by five (5) feet deep.
- G. The drop off bin must be of a neutral color, or closely compatible with the color of surrounding structures so as to make the bin as visually unobtrusive as possible.

H. The drop off bin shall be of the type that is enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

I. Any Person, Owner, tenant, lessee and/or agent having a legal interest in the subject property, who has upon his/her property a drop off bin, or whose name appears upon a drop off bin, shall maintain the drop off bin and its surrounding area in a clean and neat condition, including but not limited to, the following:

1. any graffiti placed on the drop off bin must be removed within seventy-two hours following notice of its existence;
2. if a drop off bin becomes damaged or vandalized, it shall be repaired, replaced or removed within five (5) days of receipt of notice of such vandalism, unless the damage is such as to constitute a danger to persons or property in which case it shall be made safe within twenty-four (24) hours of notice of said condition;
3. each drop off bin must be regularly emptied of its contents so that it does not overflow, resulting in clothing or other material being strewn about the surrounding area.

#### § 4. Display Requirements.

The information required by Section 3(C) of this law shall at all times be conspicuously displayed on the exterior of all planes forming the perimeter sides of every drop off bin in upper case type size of no less than three (3) inches and in a color that contrasts with the color of the drop off bin. In no event shall any other such lettering displayed on a drop off bin be larger than the lettering required by Sections 3(C) and 5(A) of this law.

§ 5. Exception.

A. In the event that a person placing, using or employing a drop off bin does not have a charity registration number, such person shall display, or shall cause to be displayed, in the same manner as required by Section 4 of the law, the following statements:

- i. "This is a FOR-PROFIT Drop Off Bin"; and
- ii. "Proceeds will go to the benefit of [insert the name of the organization(s)]."

B. Information required by Section 5 of this local law shall be in upper case type size of no less than four (4) inches and in a color that contrasts with the color of the drop off bin. In no event shall any other such lettering displayed on a drop off bin be larger than the lettering required by Sections 3(C) and 5(A) of this law.

§ 6. Penalties.

The Commissioner of the Nassau County Office of Consumer Affairs shall have the power to impose a fine not to exceed \$750 for a first violation and \$1,500 for any subsequent violation of this law or any rule or regulation promulgated thereunder.

§ 7. Promulgation of Rules.

The Commissioner of the Nassau County Office of Consumer Affairs is hereby authorized and empowered to promulgate such rules and regulations as it deems necessary for the implementation and enforcement of the provisions of this law.

§ 8. Applicability.

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

§ 9. Severability.

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

Section. 2 SEQRA Determination.

This legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

Section 3. Effective Date.

This law shall take effect one hundred twenty (120) days after becoming law.

**DATE SUBMITTED** 12|23|09

**DEPUTY COUNTY EXECUTIVE  
ACTING FOR THE COUNTY EXECUTIVE**

**DATE APPROVED** \_\_\_\_\_

**Legislature**  
**A LOCAL LAW IN RELATION TO THE REGULATION  
OF DROP-OFF CONTAINERS IN NASSAU COUNTY  
STATE ENVIRONMENTAL QUALITY REVIEW  
“UNLISTED” DESIGNATION AND NEGATIVE DECLARATION  
RECOMMENDATION**

**NCPC SEORA FILE NO. 41E-2009**

**WHEREAS**, in accordance with §1611 of the Nassau County (County) Charter and acting in an advisory capacity to the NASSAU COUNTY LEGISLATURE (LEGISLATURE) the NASSAU COUNTY PLANNING COMMISSION (the COMMISSION), may assist the Legislature and review certain proposed actions of the County and make advisory recommendations under the State Environmental Quality Review Act, and

**WHEREAS**, the LEGISLATURE submitted to the COMMISSION documentation in relation to a proposed Local Law; and

**WHEREAS**, the proposed action entails the following project: The adoption of a local law to regulate the placement of Drop-Off bins in Nassau County—prohibiting drop-off bins on any County owned property, requiring the owners of drop-off bins to get the land owners permission, and requiring clear language on the container identifying the owner and the affiliated organization; and

**WHEREAS**, the COMMISSION considered, pursuant to Part 617 of Title 6 NYCRR and section 1611 of the County Government Law of Nassau County, the environmental impact of the proposed Local Law, based upon the documentation provided, including the description provided in the Environmental Assessment Form (“EAF”); now, therefore, be it

**RESOLVED**, the COMMISSION recommend and does hereby recommend that the proposed action be classified as an UNLISTED action, pursuant to Part 617 of Title 6 NYCRR and §1611 of the Nassau County Government Law; and be it further

**RESOLVED**, that the COMMISSION recommend and does hereby recommend that, with regard to the proposed action, the LEGISLATURE find that:

1. the proposed action will not result in a substantial adverse change in existing air quality, ground or surface water or quality, and traffic or noise levels;
2. the proposed action will not lead to a substantial increase in solid waste production and will not create a substantial increase in the potential of erosion, flooding, leaching or drainage problems;
3. the proposed action will not cause substantial adverse impact on a threatened or endangered species of animal or plant. The proposed action will not impact on a significant habitat area. The proposed action will not result in any other significant adverse impact to natural resources;
4. the proposed action will not impair the environmental characteristics of a designated Critical Environmental Area;
5. the proposed action is in accordance with and will not conflict with the County’s current plans or goals as officially approved or adopted;
6. the proposed action will not impair the character or quality of important historical archeological or architectural resources of the County, or any existing community or neighborhood character;

7. the proposed action will not result in major changes in the use of either the quantity or type of energy;
8. the proposed action will not create a hazard to human health;
9. the proposed action will not result in a substantial change in the use or intensity of use of land including agricultural, open space or recreational resources, or in the capacity to support existing uses;
10. the proposed action will not result in the creation of a material demand for other actions that would result in any of the above consequences;
11. the proposed action will not change two or more elements of the environment, which when considered together could result in a substantial adverse impact on the environment; and
12. when considered cumulatively with other related actions, the proposed action will not have a significant adverse effect on the environment or meet any of the above criteria; and be it further

**RESOLVED**, that the COMMISSION thereby recommend and does hereby recommend that the LEGISLATURE issue a "Negative Declaration" in regard to the proposed action.

The resolution herein was, in accordance with all applicable law, duly considered, moved, and adopted by the following vote:

Jeffrey Greenfield, Chair	AYE
Michael Bellissimo, First Vice Chair	AYE
Neal Lewis, Second Vice-Chair	AYE
Leonard Shapiro	AYE
Philip Como	AYE
Mary A. McCaffery	AYE
Clara Gillens- Eromosele	AYE
Eric Sussman	AYE
Marty Glennon	AYE

The Chair declared the resolution duly adopted.  
 Resolution of Nassau County Planning Commission- SEQRA File # 41E-2009  
 Adopted: December 17, 2009

**This resolution may be modified to allow for the correction of any mathematical, typographical and/or clerical errors subsequent to any approval and adoption of said resolution without the necessity for a vote to be taken by the Nassau County Planning Commission if said resolution is approved and adopted by the affirmative vote of a majority of said Nassau County Planning Commission.**





## Appendix C

## State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Nassau County Legislature	2. PROJECT NAME Local Law- regulation of Drop off Bins
3. PROJECT LOCATION: Municipality County Wide County Nassau	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) County Wide	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: The adoption of a local law to regulate the placement of Drop-Off bins in Nassau County—prohibiting drop-off bins on any County owned property, requiring the owners of drop-off bins to get the land owners permission, and requiring clear language on the container identifying the owner and the affiliated organization	
7. AMOUNT OF LAND AFFECTED: Initially <u>N/A</u> acres Ultimately <u>N/A</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: County Wide	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Nassau County Legislature</u> Date: <u>12/21/09</u> Signature: _____	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER

1

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**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
 None

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination

Nassau County Legislature 12/21/09

\_\_\_\_\_  
 Name of Lead Agency Date

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency Majority/Minority Counsel

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency Title of Responsible Officer

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

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**Reasons supporting this determination:**

Completion of the Environmental Assessment Form Parts I and II have identified no significant adverse environmental impacts.

**Determination of Significance**

The environmental criteria set forth in §617.7 (c) are considered to be indication of significant adverse environmental impacts. Using these thresholds the Nassau County Legislature finds the following factors as its basis for the NEGATIVE DECLARATION determination:

1. The proposed action will not result in a substantial adverse ground or surface water or quality, air quality and traffic or noise levels; will not lead to a substantial increase in solid waste production and will not create a substantial increase in the potential of erosion, flooding, leaching or drainage problems.
2. The proposed action will not cause substantial adverse impact on a threatened or endangered species of animal or plant. The proposed action will not result in any other significant adverse impact to natural resources;
3. The proposed action will not impair the environment characteristics of a designated Critical Environmental Area;
4. The proposed action is in accordance with and will not conflict with the County's current plans or goals as officially approved or adopted;
5. The proposed action will not impair the character or quality of important historical archeological or architectural resources of the County, or any existing community or neighborhood character;
6. The proposed action will not result in major changes in the use of either the quantity or type of energy;
7. The proposed action does not create a hazard to human health;
8. The proposed action will not result in a substantial change in the use or intensity of use of land including agricultural, open space or recreational resources, or in the capacity to support existing uses;
9. The proposed action will not result in the creation of a material demand of other actions that would result in any of the above consequences;
10. The proposed action will not change two or more elements of the environment, which when considered together could result in a substantial adverse impact on the environment;
11. When considered cumulatively with other related actions, the proposed action will not have a significant effect on the environment or meet one of the above criteria;

Therefore, the Nassau County Legislature has determined that, based upon the above findings, the proposed Local Law will not have a significant adverse impact on the environment, and that no additional environmental review or action is necessary

**Conditions:**

**None**

SEQR Negative Declaration

David Gugerty Esq., Legislative Majority Counsel

\_\_\_\_\_  
Name and Title of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Responsible Officer

Christopher Ostuni Esq., Legislative Minority Counsel

\_\_\_\_\_  
Name and Title of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Responsible Officer

Donald J. Hohn, Planner III, Nassau County Planning Commission

\_\_\_\_\_  
Name and Title of Preparer

  
\_\_\_\_\_  
Signature of Preparer

**For Further Information:**

Contact Person: David Gugerty, Esq.  
Legislative Majority Counsel

Address: Nassau County Legislature  
1 West Street  
Mineola, New York 11501

Telephone Number: (516) 571-4321

**For Unlisted Actions a copy must be filed with the lead agency**

Applicant: Nassau County Legislature

Other Involved Agencies: NONE

**For Type I Actions and Conditioned Negative Declarations, a copy must be sent to:**

Environmental Notice Bulletin at: [enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

ENB, NYS Department of Environmental Conservation  
50 Wolf Road  
Room 538, Albany, NY 12233-1750

County Executive, c/o County Clerk