



The Beverly Hills City Council Liaison / Charitable Solicitations Commission Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

CITY HALL
455 North Rexford Drive
4th Floor Conference Room A
Beverly Hills, CA 90210

Friday, May 20, 2016
2:30 p.m.

AGENDA

- 1) Public Comment
 - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

- 2) Proposed Changes to Municipal Code

- 3) Adjournment

A handwritten signature in black ink, appearing to read "Byron Pope".

Byron Pope, City Clerk

Posted: May 18, 2016



In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Manager's Office at (310) 285-1014. Please notify the City Manager's Office at least twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure accessibility.

BEVERLY HILLS MUNICIPAL CODE

Article 8. Charitable Solicitations

4-3-801: PERMIT REQUIRED:

No person shall engage in or carry on any solicitation for contributions for any charitable purpose without a permit issued under the provisions of chapter 1, article 1 of this title.

4-3-802: EXEMPTIONS:

A. Except as provided in subsection B of this section, the provisions of this article shall not apply to an organization which solicits contributions from among the members of such organization, ~~or~~ to solicitations or collections made upon premises which are owned or occupied by such organization, or to organizations that are formed by the City and whose accounts are managed and audited by the City.

B. The provisions of this article shall not apply to a retail business that represents that any portion of the proceeds from the sale of merchandise will be used for a charitable purpose.

4-3-803: DEFINITIONS:

The following definitions shall apply to this article:

CHARITABLE: Means and includes the words patriotic, philanthropic, social services, welfare, benevolent, educational, civic or fraternal, either actual or purported.

CHARITABLE ORGANIZATION: An organization recognized as a 501(c)(3) organization by the Internal Revenue Service, i.e. eligible to receive tax-deductible contributions.

CONTRIBUTIONS: Means and includes food, clothing, money, subscriptions, property or donations given or solicited either directly or under the guise of a loan.

EVENT: A single solicitation activity.

HOTEL: As defined in section 10-3-100 of this code.

MONETARY DRIVE: Multiple solicitation activities by a single organization for a single purpose in a twelve (12) month period, including membership drives or solicitations by mail or telephone, but not including events such as dinners, carnivals, fairs or dances.

SOLICIT AND SOLICITATION: The direct or indirect request for money, pledges, credit, property, financial assistance or other thing of value either by way of donation or as consideration for services, or the sale of merchandise when representation is made that any portion thereof will be used for a charitable purpose. A solicitation shall be deemed completed when such a request has been made.

4-3-804: APPLICATIONS:

- A. Applications for a charitable solicitation permit shall be filed with the city a minimum of fifteen (15) days prior to the date the proposed solicitation is to commence. Each application shall indicate whether the proposed solicitation is an event or a monetary drive.
- B. The application shall be accompanied by a financial statement of the applicant for the previous such solicitation conducted within Beverly Hills by the applicant, setting forth the funds collected for charitable purposes by the applicant, and stating the amount raised through solicitations, together with the cost of raising such amount and the final distribution thereof; and an authorization for city inspection of the applicant's financial records and files.
- C. Renewal applications shall be filed ten (10) days prior to expiration of the existing permit.
- D. No fee shall be charged for a solicitation permit required by the provisions of this article.

4-3-805: REVIEW OF APPLICATIONS BY CHARITABLE SOLICITATIONS COMMISSION:

After filing of the application, the application shall be submitted to the charitable solicitations commission for review and recommendation. The commission shall review the application, and shall also review any information furnished by the police department, based on their investigation of the applicant; and the commission shall then make a recommendation to the official empowered by the city to grant or deny the permit.

4-3-806: COMMISSION RECOMMENDATION:

The city official empowered to grant or deny the application may consider the recommendation of the commission prior to acting on the permit request, provided further, the official is not bound by the recommendation, and shall grant or deny the permit based solely on the criteria set forth in section 4-3-807 of this article. If the commission fails to make a recommendation within ten (10) days after filing of the application, the city official empowered to act on the application may grant or deny the permit without a recommendation from the commission. The city official empowered to act on the application shall grant or deny the permit within fourteen (14) days after filing of the application, and shall grant or deny the renewal of an existing permit prior to the expiration of such permit.

4-3-807: GENERAL CRITERIA FOR ISSUANCE OR DENIAL:

- A. In lieu of the criteria for issuance or denial of a permit under provisions of section 4-1-103 of this title the following criteria shall apply to issuance or denial of a solicitation permit under this article. The permit will be issued by the official designated by the city to act on the application unless there is a finding that:
 - 1. The information contained in the application is incomplete, false, or intentionally misleading.

2. The kind, character, and method of the solicitation, the time when it will take place or its duration are such that the solicitation will be inimical to the safety, convenience, or welfare of the inhabitants of the city.
3. If the application is for a renewal or subsequent permit, that the applicant has violated provisions of the previous permit, or the ordinances or regulations of the city in the conduct of previous solicitations.

B. Notwithstanding the presence of one or more grounds for denial listed above, the city official empowered to act on the application may approve the permit if the applicant agrees to abide by such conditions as imposed by the official to negate any circumstances that would otherwise justify denial.

4-3-808: TERM OF PERMIT:

A solicitation permit issued for an event pursuant to this article shall be valid until one hundred eighty (180) days from the date of issue, or until the completion of the event, whichever comes first. A solicitation permit issued for a monetary drive pursuant to this article shall be valid until twelve (12) months from the date of issue, or the completion of the monetary drive, whichever comes first.

4-3-809: PERMITS NONTRANSFERABLE:

Any permit issued for solicitation under provisions of this article is non-transferable notwithstanding section 4-1-112 of this title.

4-3-810: NONDISCRIMINATION:

The official designated by the city to act on permit applications shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits and shall not deny any permit based upon political or religious grounds or reasons.

4-3-811: RESTRICTIONS AND PROHIBITIONS:

Any solicitation regulated by this article shall comply with the following provisions:

- A. Solicitation upon private residential premises is prohibited at premises that contain a conspicuously posted sign stating "no solicitation" or "do not disturb", unless the solicitor has been invited to the premises by the owner or occupant thereof.
- B. Solicitation by means of a box or other receptacle shall be prohibited in, upon or adjacent to any street, alley, sidewalk, park, or other public place; or in or upon any place of business or other place open and accessible to the public; unless the permit specifically authorizes this type of solicitation.
- C. Solicitation of funds for a purpose other than designated in the permit shall be prohibited.

- D. Solicitors shall not misrepresent their physical or mental health, or make other false or misleading representations.
- E. Solicitors shall not touch, come into physical contact with, or affix any object to the person of any member of the public, without first receiving express permission therefor from such member of the public.
- F. Solicitors shall not persistently and importunately solicit any member of the public after such member of the public expresses a desire not to be solicited.
- G. Solicitors shall not solicit from persons who are standing in lines, seated in public areas, waiting at bus stops or similarly stationary for a specific purpose that would not allow evasion of the solicitation.
- H. Solicitors shall not intentionally or deliberately obstruct the free movement of any member of the public on any street, sidewalk, or other place, or in any place open to the public generally.
- I. All solicitations made by mail shall include [either](#) a copy of the solicitation permit [or the permit number and website address where a copy of the permit can be viewed by the public for the duration of the solicitation](#).
- J. Charitable events involving solicitations of funds shall have a copy of the permit prominently displayed on the premises.
- K. Solicitors shall have in their possession at all times, when engaged in the activity regulated by this article, a copy of the solicitation permit, and shall display said copy upon request of any person being solicited.

4-3-812: WRITTEN RECEIPTS REQUIRED FOR DONATIONS:

Any solicitation regulated by the provisions of this article which results in a contribution of one dollar (\$1.00) or more in value shall require the solicitor to furnish a written receipt to the person making the contribution upon request of such person.

4-3-813: RECORDS AND REPORTS:

- A. The permittee shall compile and retain for a period of not more than three (3) years detailed records and a financial statement showing the amount of funds raised by the solicitation, the amount expended in collecting such funds, including a detailed report of the wages, fees, commissions, and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation.
- B. Within sixty (60) days of the expiration of the permit, the permittee shall file a complete and detailed report of the information required by subsection A of this section with the city. Such report shall be a public record and be available for public inspection. [Failure to provide the report to the City in accordance with the provisions of this paragraph is a violation of](#)

this Code and shall subject the violator to the penalties set forth in Chapter 3 of Title 1 of the Code, including, without limitation, the payment of administrative fines imposed pursuant to Article 3 of Chapter 3 of Title 1.

4-3-814: HOTEL REGULATIONS:

Hotels that lease or rent facilities for solicitations for contributions for any charitable purpose shall comply with the following provisions:

- A. Prior to executing the lease or rental agreement, the hotel shall: 1) provide the prospective lessee or renter with a city issued charitable solicitations packet or website address that describes the requirements of this article; ~~and 2) require such person to execute a city issued acknowledgment form that confirms receipt of the packet.~~
- B. Within five (5) days of the execution of the lease or rental agreement, the hotel shall provide the police department with the name and contact information for the lessee or renter and the date and time of their event ~~deliver the executed acknowledgment form to the city.~~