

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING THE GARDEN GROVE MUNICIPAL CODE, AND PARTICULARLY ARTICLE IV THEREOF, ENTITLED "PUBLIC WELFARE"

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

Chapter 6 entitled "RELIGIOUS AND CHARITABLE SOLICITATIONS" is hereby added to Article IV entitled "PUBLIC WELFARE" of the GARDEN GROVE MUNICIPAL CODE AS FOLLOWS:

ARTICLE IV - PUBLIC WELFARE

CHAPTER 6 - RELIGIOUS AND CHARITABLE SOLICITATIONS

PART 1 - DEFINITIONS

Section 4610. SOLICIT AND SOLICITATION:

Whenever used in this Chapter "solicit and solicitation" shall mean the request directly or indirectly of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a religious or charitable purpose, organization or institution as those purposes, organizations and institutions are defined in this Chapter. The words "solicit and solicitation" shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a religious or charitable purpose, organization or institution as herein defined:

- (a) Any oral or written request;
- (b) The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement, or publication;
- (c) The making of any announcement to the press, over the radio, by telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering, which the public is requested to patronize or to which the public is requested to make a contribution for any religious or charitable purpose, organization or institution connected therewith;
- (d) The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket service or other thing, in connection with which any appeal is made for any religious or charitable person or where the name of an organization or institution is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose, organization or institution.

A "solicitation" as defined herein shall be deemed completed

contribution or makes any sale referred to in this section.

Section 4610.1 - CHARITABLE:

"Charitable" shall mean having the character or purpose of a charity and shall include the words patriotic, religious, philanthropic, social service, humanitarian, welfare, benevolent, social, eleemosynary, educational, civic, or fraternal, either actual or purported.

Section 4610.2 - RELIGIOUS AND RELIGION:

"Religious" and "Religion" as used herein shall be given their commonly accepted definitions.

Section 4610.3 - RELIGIOUS INSTITUTION; RELIGIOUS ORGANIZATION; CHARITABLE INSTITUTION; CHARITABLE ORGANIZATION:

An organization or institution supported in whole or in part by charity, or by a church or by a body of persons associated together for the purpose of maintaining religious worship, having no provision for making profit, deriving its funds in whole or in part from public and private charity, or from a church or church organization or institution not maintained for gain, profit, or private advantage. The words "religious institution" or "religious organization" or "charitable institution" or "charitable organization" shall include a foreign or domestic institution or organization created by charter, law, resolution, executive agreement, treaty, contract, agreement or fiat, whether or not its funds are derived in part from the United States Government or foreign Governments or any Governmental Organization.

Section 4610.4 - RELIGIOUS USE; RELIGIOUS PURPOSE; CHARITABLE USE; CHARITABLE PURPOSE:

Any use or purpose which tends to promote the physical or moral welfare of man provided only that the distribution or benefits be free and not a source of profit or private advantage. "Religious use", "religious purpose", "charitable use", "charitable purpose" shall also include the solicitation by a person, institution or organization for the use or purpose of another institution or organization which qualifies under Section 4610.3 of this Chapter as a religious or charitable organization or institution.

Section 4610.5 - CONTRIBUTIONS:

"Contributions" shall mean and include the words alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property, or anything of value.

Section 4610.6 - PERSON:

"Person" shall mean any individual, or any group of individuals, firm, co-partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization or league either religious or charitable, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

Section 4610.7 - PROMOTER:

"Promoter" shall mean any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise, or organize a campaign of solicitation.

Section 4610.8 - CHIEF OF COLLECTIONS:

"Chief of Collections" shall mean the Chief of Collections for the City of Garden Grove.

PART 2 - PERMITS

Section 4620. - PERMIT REQUIRED - EXEMPTION:

No person shall solicit contributions within the City of Garden Grove for any religious or charitable purpose or for any religious or charitable organization or institution without a permit from the Chief of Collections authorizing such solicitation; provided, however, that the provisions of this section shall not apply to any established person organized and operated exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person if the solicitations by such established person are conducted only among the members thereof and only by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person.

Section 4620.1 - APPLICATION FOR PERMIT:

An application for a permit to solicit as provided by Part 2 of this Chapter shall be made to the Chief of Collections upon forms provided by the City of Garden Grove. Such application shall be sworn to by the applicant and filed with the Chief of Collections at least thirty (30) days prior to the time at which the permit applied for shall become effective; provided, however, that the Chief of Collections may for good cause shown allow the filing of an application less than thirty (30) days prior to the effective date of the permit applied for. In addition to said application form, the applicant is hereby required to submit the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished; provided, however, that the Chief of Collections may waive any or all of the following requirements if he finds that the applicant is a person, institution or organization which has its offices, or headquarters, in the City of Garden Grove, and the solicitation will not be conducted door to door in the City and the funds raised by the solicitation will be used for purposes exclusively within the City of Garden Grove, and the amount of funds proposed to be raised by the solicitation will be less than \$500.00:

(a) The name, address or headquarters of the person applying for the permit;

(b) If applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of applicant's records;

(c) The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use and disposition to be made of any receipts therefrom;

(d) A specific statement, supported by reasons, and if available, figures, showing the need for the contribution to be solicited;

(e) The names and addresses of the person or persons by whom the receipts of such solicitations shall be disbursed;

(f) The names and addresses of the person or persons who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with the proposed solicitation;

(g) An outline of the method or methods to be used in conducting the solicitations;

(h) The time when such solicitation shall be made, giving the preferred dates for the beginning and ending of such solicitation;

(i) The estimated costs of the solicitation;

(j) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitations and the names and addresses of all such persons;

(k) A financial statement for the last preceding fiscal year of any funds collected for religious or charitable purposes by the applicant, said statement giving:

(1) The amount of money so raised;

(2) The cost of raising it;

(3) Final geographic distribution by cities thereof, or if all funds have been given to another religious or charitable institution or organization, the name of that institution or organization.

(l) A full statement of the character and extent of the religious or charitable work being done by the applicant within the City;

(m) A statement that the actual cost of the solicitation will not exceed twenty-five per centum of the total amount to be raised;

(n) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the City of Garden Grove, or by any Department or officer thereof;

(o) Such other information as may be reasonably required by the Chief of Collections in order for him to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.

If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the Chief of Collections in writing thereof within twenty-four (24) hours after such change.

Section 4620.2 - RECOMMENDATION TO CITY COUNCIL - STANDARDS:

The Chief of Collections shall conduct the investigation

as required by Part 3 of this Chapter and shall recommend to the City Council that the permit be issued whenever he shall find the following facts to exist:

- (a) That all of the statements made in the application are true;
- (b) That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, no reason is known to exist which would question the good character or reputation for honesty and integrity of the managing officers, or agents of applicant;
- (c) That the control and supervision of the solicitation will be under responsible and reliable persons;
- (d) That the applicant has not engaged in any fraudulent transaction or enterprise;
- (e) That the solicitation will not be a fraud on the public.
- (f) That the solicitation is prompted by a desire to finance the religious or charitable cause described in the application, and will not be conducted for private profit;
- (g) That the cost of raising the funds will be reasonable. Any such cost in excess of twenty-five (25) percent of the amount collected shall be considered to be unreasonable unless special facts are presented showing that peculiar reasons make a cost higher than twenty-five (25) percent reasonable in that particular case.

The Chief of Collections shall keep a permanent record of permits issued and shall notify the applicant by certified mail of any application disapproved, of his decision and finding of facts.

Section 4620.3 - CITY COUNCIL ACTION:

Upon receipt by the City Council of the application and recommendation of the Chief of Collections, the City Council shall place the matter on its regular agenda and either grant or deny the application.

Section 4620.4 - FORM OF PERMIT - EXPIRATION:

Permits issued under this Ordinance shall bear the name and address of the person for whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the City of Garden Grove or by any of its departments, officers or employees of the purpose or of the person conducting the solicitation. All permits must be signed by the Chief of Collections. No permit may grant the right to solicit longer than ninety (90) days from its date, but the Chief of Collections may extend any permit for a period not to exceed two hundred seventy-five (275) days upon a showing that unnecessary hardship would be created by a failure to extend the original ninety (90) day period for such additional days.

Section 4620.5 - PERMIT NOT TRANSFERABLE:

Any permit issued under this chapter shall be non-transferable.

Section 4620.6 - REVOCATION - HEARING:

A permit issued pursuant to this chapter may be revoked by the City Council of the City of Garden Grove after notice and hearing before the City Council for any of the following causes:

1. Fraud, misrepresentation or false statements contained in the application for permit;
2. Fraud, misrepresentation or false statements made in the course of soliciting;
3. Any violation of this chapter.

Notice of the hearing for revocation of the permit shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least ten (10) days prior to the date set for hearing.

Section 4620.7 - REVOCATION - NOTICE TO CHIEF OF POLICE:

The Chief of Police shall be notified forthwith by the Chief of Collections of the revocation of any permit issued under this Chapter.

PART 3 - INVESTIGATION

Section 4630. - INVESTIGATION - WRITTEN REPORT - PUBLIC INFORMATION:

The Chief of Collections shall examine all applications filed under this Chapter and shall make, or cause to be made, such further investigation of the application and the applicant as the Chief of Collections shall deem necessary in order for him to perform his duties under this Chapter. The Chief of Police of the City of Garden Grove shall render any assistance requested by the Chief of Collections in the furtherance of this investigation. Upon request by the Chief of Collections, the applicant shall make available for inspection by the Chief of Collections, or any person designated in writing by the Chief of Collections as his representative for such purpose, all of the applicant's books, records and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired.

The Chief of Collections shall make a written report of his findings and shall make the report available to the City Council in order that the City Council may be fully informed as to the affairs of any of said persons. The Chief of Collections shall fully and fairly inform the City Council of all facts necessary to a full understanding by the City Council of the work and methods of operation of such persons, provided:

If the Chief of Collections recommends that the application for permit be denied, five days before any findings under this section and the recommendation for denial are furnished to the City Council, the Chief of Collections must first serve a copy of such findings and recommendation by mail upon the person investigated and at the time of the consideration by the City Council, a copy of any written statement by said person shall be available for the consideration of the City Council.

PART 4 - FEES

Section 4640 - FEE NOT REQUIRED:

No fee is to be required for a religious or charitable solicitation permit.

PART 5 - PERSONS TO WHOM PERMIT ARE ISSUED, THEIR AGENTS AND SOLICITORS. REQUIREMENTS

Section 4650. CREDENTIALS OF AGENTS AND SOLICITORS:

All persons to whom permits have been issued under this Chapter shall furnish credentials to their agents and solicitors for such solicitation which shall include the name of the organization. No person shall solicit for any religious or charitable cause without having such credentials in his possession, and such person shall upon demand present these credentials to any person solicited or to the Chief of Collections or his representative or to any police officer of the City of Garden Grove. Provided, however, that the Chief of Collections may waive the requirements of this section when he shall find that the applicant is a person, institution or organization which has its offices or headquarters in the City of Garden Grove and the solicitation will not be conducted door to door in the City.

Section 4650.1 WRITTEN RECEIPTS REQUIRED:

Any person receiving money or anything having a value of One Dollar (\$1.00) or more from any contributor under a solicitation made pursuant to a permit granted under this Chapter shall give to the contributor a written receipt signed by the solicitor showing plainly the name and permit number of the person under whose permit the solicitation is conducted, the year, and the amount received; provided, however, that this section shall not apply to any contributions collected by means of an unattended closed box or receptacle used in solicitation with the written approval of the Chief of Collections, where it is impractical to determine the amount of such contributions, and provided further that the Chief of Collections may waive the requirements of this section when he shall find that the applicant is a person, institution or organization which has its offices or headquarters in the City of Garden Grove and the solicitations will not be conducted door to door in the City.

Section 4650.2 - ACCOUNTING:

No person shall solicit any contributions for any religious or charitable purpose without maintaining a system of accounting whereby all donations to it and all disbursements are entered upon the books or records of such person's treasurer or other financial officer.

Section 4650.3 - REPORT OF RECEIPTS AND DISBURSEMENTS:

It shall be the duty of all persons issued permits under this Chapter to furnish to the Chief of Collections within ninety (90) days after the solicitation has been completed, a detailed report and financial statement showing the amount 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. This report shall be available for public inspection at the office of the Chief of Collections at any reasonable time; provided, however, that the Chief of Collections may extend the time for the filing of the report required by this section for not to exceed an additional period of thirty (30) days upon proof that the filing of the report within the time specified will work unnecessary hardship on the permit holder. The permit holder shall make available to the Chief of Collections, or to any person designated by the Chief of Collections, in writing, as his representative for such purpose, all books, records, and papers whereby the accuracy of the report required by this Section may be checked.

The provisions of this section may be waived by the Chief of Collections when he shall find that the applicant is a person, institution or organization which has its offices or headquarters in the City of Garden Grove and the solicitation will not be conducted door to door in the City and the funds raised by the solicitation will be used for purposes exclusively within the City of Garden Grove and the amount of funds proposed to be raised by the solicitation will be less than Five Hundred Dollars (\$500.00).

Section 4650.4 - MISREPRESENTATION OR FRAUD:

No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the City of Garden Grove, or any application or report filed under this Chapter.

PART 6 - VIOLATIONS: (MISDEMEANOR)

Any person who for himself or for any other person shall violate any of the provisions of this chapter shall for each violation thereof be deemed guilty of a misdemeanor and upon conviction by any court having jurisdiction thereof, shall be fined in a sum of not more than \$1000.00 or by imprisonment in the City or County Jail not exceeding six (6) months or both such fine and imprisonment in the discretion of the Court.

SECTION 2:

Section 6230.8 of the Municipal Code is hereby deleted.

SECTION 3:

Section 6230.7 is hereby amended to read as follows:

Any person, institution, or organization which shall come within the provisions of Chapter 6 of Article IV of this Code shall not be required to pay any license fee otherwise required under this Chapter.

SECTION 4:

This is an urgency ordinance which is required for the immediate preservation of the public health, safety and welfare of the citizens of the City of Garden Grove for the following reason:

It is necessary in order to protect the citizens of the City of Garden Grove that all persons soliciting funds be properly approved by the City in order that only legitimate solicitors solicit and obtain funds from persons in the City of Garden Grove.

SECTION 5:

This Ordinance shall, within fifteen (15) days of adoption, be published with the names of the Councilmen voting for and against the same in the Orange County Evening News, a daily newspaper of general circulation, printed, published and circulated in the City of Garden Grove.

The foregoing Ordinance was approved and adopted by the City Council of the City of Garden Grove on the 22nd day of September, 1964.

George B. Honold
GEORGE B. HONOLD
MAYOR OF THE CITY OF GARDEN GROVE

ATTEST: *Gwen Wiesner*

GWEN WIESNER
CITY CLERK OF THE CITY OF GARDEN GROVE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, GWEN WIESNER, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance had its full reading and adoption on the 22nd day of September, 1964, by the following vote, to wit:

AYES: COUNCILMEN: BALLARD, BARR, KNOELLER
NOES: COUNCILMEN: RAINWATERS, HONOLD
ABSENT: COUNCILMEN: NONE

Gwen Wiesner
GWEN WIESNER
CITY CLERK OF THE CITY OF GARDEN GROVE