

Lawless, Chair
Martin, Vice Chair
Ellinger
Farmer
Crosbie
McChord
Henson

A G E N D A

Public Safety & Public Works Committee

May 10, 2011

1:00 P.M.

- 1. Charitable Solicitation within Public Right of Way (1-3)**
- 2. Items Referred to Committee (4)**

“Public Safety & Public Works Committee, to which shall be referred matters relating to the Department of Public Safety and its related divisions; the Department of Public Works and its related divisions, including capital improvement projects and any related partner agencies.” Council Rules & Procedures, Section 2.102 (1) Effective January 1, 2011. Adopted by Urban County Council October 14, 2010

Committee Meeting Schedule
May 10
July 12
September 20
November 15

PROPOSED CHARITABLE SOLICITATION ORDINANCE REVISION

Section 14-5. – Begging or soliciting aims or money prohibited; certificates of registration for charitable organizations

- (a) No person shall beg or solicit upon the public streets or at the intersection of said public streets within the urban county area.
- (b) Exclusion for charitable organizations – Provision (a) of this Section shall not apply to charities, which, for the purposes of this Section, are defined as organizations eligible for charitable deductions pursuant to 26 U.S.C. § 170. To qualify for this exception, a charitable organization shall be required to obtain a certificate of registration. Any organization seeking a certificate of registration shall submit to the Council Administrator a completed form provided by the Administrator containing the following information:
 - (1) The full legal name of the person registering to solicit contributions for charitable purposes;
 - (2) Whether the person registering is an individual, partnership, corporation or association, and;
 - a. If an individual, such person's business and residential address, business and residential telephone number, date of birth and social security number;
 - b. If a partnership, the business address and telephone number of the partnership and the full legal names of all partners, their principal business and residential addresses, business and residential telephone numbers, date of birth and social security numbers;
 - c. If a corporation, the state of incorporation, the mailing address, principal business location, social security number, residential address and telephone number and full legal name of the individual with overall operating responsibility of the local office of the corporation, the names of all officers and directors or trustees of the corporation and the tax identification or employer identification number, if any, of the corporation, and a copy of the Articles of Incorporation;
 - d. If an association, the association's principal business address and telephone number, if any, and the full legal names and principal business and residential addresses, telephone

numbers, social security numbers, and date of birth of all members of the association. If there are more than ten members of the association, however, the person registering may alternatively list the full legal names, principal business and residential addresses, telephone numbers, social security numbers, and date of birth of the officers and directors of trustees of the association. If the association is part of a multi-state organization or association, the mailing address and street location of its principal headquarters shall be given, in addition to the mailing address and business location of its local office;

- (3) The charitable or civic purpose of the solicitation, the amount or value of contributions intended to be raised for such purposes, and an estimate of approximate expenses that will be incurred in connection with the solicitation, including any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation;
- (4) The full legal names, residential addresses, social security numbers and date of birth of all individuals authorized to incur expenses related to the solicitation or to disburse any proceeds of the solicitation;
- (5) The full legal name, business and residential address, telephone number, social security number and date of birth of each person, up to five individuals, who will have organizational responsibility with respect to the solicitation of contributions;
- (6) The time period within which the solicitation of contributions is to be made, giving the date of the beginning of solicitation and its projected conclusion;
- (7) The dates and times of proposed solicitations, and the highways and the adjoining intersections thereof where solicitations are to be conducted for the next year following the date of the application. Only one person or group of persons shall be allowed to solicit charitable contributions on the highways and adjoining intersections thereof at any given time;
- (8) The registrant shall list the five most populous cities in which it has solicited contributions during the previous five years;

- (9) Evidence that the registrant has third-party liability insurance with a limit of no less than ~~\$ 1 million dollars per occurrence and 2 million dollars aggregate~~ which insurance covers the activities of all of the registrant's officers, agents, employees, volunteers, and contractors. ~~Each registered organization shall sign an indemnity and hold harmless agreement. Each individual who solicits contributions shall sign a release of liability and hold harmless waiver.~~
- (10) A statement to the effect that the certificate of registration by the Lexington-Fayette County Government will not be used as or represented to be an endorsement by Lexington-Fayette County Government or any of its officers or employees;
- (11) As to each, if any, officer, director, trustee, partner, or any current agent or employee engaging in the solicitation of contributions who, within the past five years has been convicted of a felony or misdemeanor involving moral turpitude, shall provide the full legal name, social security number, and date of birth of the individual, the nature of the offense, the state where the conviction occurred, and the year of the conviction.
- (c) (d) Each registration statement shall be signed by an individual on behalf of the person registering. If the person registering is an individual, then such individual shall sign the registration statement. If the registrant is a partnership, then the managing partner or the partner charged with disbursing the contributions solicited shall sign. If the registrant is a corporation or an association, then its chief executive officer or the officer charged with disbursing the contributions solicited shall sign. The individual signing the registration statement shall sign the statement and swear before an officer authorized to administer oaths that the individual has read the registration statement and that all the information contained therein is true and correct to the best of the individual's knowledge.
- (f) Any person who violates any provision of this section shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollar (\$100.00) or be imprisoned for not less than ten (10) days nor more than thirty (30) days or both for each offense.

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Deleted: If the registrant is unable to provide any of the information necessary under subsection (b) of this section, the registrant shall set forth an explanation of the reasons why such information is not available ¶

Deleted: (e) . The Council Administrator shall have discretion in determining whether to issue a certificate of registration pursuant to subsection (b) of this section. The Administrator shall issue a response to an application for a certificate of registration within 10 business days of the filing of the application. The following is a list of non-exclusive factors that the Administrator should consider when determining whether to grant a certificate of registration: ¶

(1) The requested time period, including preplanned events that would be interfered with by granting the certificate, the length of time that the certificate would remain valid, and the average traffic flow during the times and dates requested for solicitation; ¶

(2) The estimated benefit to the community as a whole, as opposed to just the applicant charitable organization, that would result from granting the certificate; ¶

(3) . The amount or value of contributions expected to be earned balanced against the estimated expenses that would be incurred by the organization and by the Lexington-Fayette County Government, if any; and ¶

(4) . Any other factors, not otherwise prohibited by law, that the Administrator deems relevant in determining whether to grant the certificate ¶

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Committee Referrals

Public Safety/Public Works Committee Items Referred

<u>Item</u>	<u>Referred By</u>
Review & Sign Off of Collective Bargaining Agreements	Lane
Collection of Donations In-Street Intersections	Lawless
Update on Fire Organization	Crosbie
Update on Corrections Reviews Including Sheriff Review	Crosbie
Update on E911 Review	Crosbie
Paramedic Training: Emergency Medical Advisory Board (EMAB)	Gorton
Fire Disciplinary Process	Lawless
Re-paving Program	Martin
Todds Rd Widening Project Phase II	Stinnett
Newtown Pike Project	Blues
Taxicab Ordinance	Lawless
Itinerant Merchant	Henson
Residential Parking Permits	Lawless
Sidewalk Specifications	Feigel
Erecting Large Utility Poles on ROW	Martin
Re-Paving List	Lawless
Emergency Snow Plan	James
Loading & Unloading Zones in Downtown	James
Horse Cruelty	Beard