



Legislation Text

File #: 1795-2007, Version: 1

BACKGROUND

Columbus City Code requires that organizations wishing to solicit charitable contributions within the City of Columbus must annually obtain a license to do so. There are a number of exemptions to this requirement for certain nonprofit, educational and "bona fide, publicly recognized evangelical, missionary, or religious organizations or charities".

Separately, Columbus City Code also requires that any organization wishing to solicit charitable contributions on a street, highway, or roadway must obtain a permit, which limits the time, place and location where said roadway charitable solicitation may occur. This permit is specific to the type of activity - roadway charitable solicitations - and is separate from the aforementioned charitable license requirement.

There is evidence to suggest that in recent months, there has been an increase in the number of organizations that have engaged in roadway charitable solicitations, but who have not applied for, or received, a permit as required under City Code. Upon investigation, it was discovered that many of the organizations consider themselves to be a "bona fide" religious organization, and believe they are exempt from the permitting requirement, much the same as they are in fact exempt from the charitable license requirement. That was never the intent of the city when the roadway charitable solicitation code was established, though the section is arguably confusing, and needlessly ambiguous. Additionally, the roadway charitable solicitation permit requirement has not been enforced in the case of groups that have represented themselves as religious organizations.

Because the current code is somewhat unclear, it has created an issue of enforcement for the Columbus Division of Police and the Columbus Department of Public Safety, License Section. Some groups soliciting charitable contributions in the roadway have been required to obtain a permit, while others have not. This poses a safety hazard to groups that do not receive a permit and who are soliciting contributions in the roadway with no prior notice to city officials responsible for ensuring their safety. By requiring all organizations wishing to solicit charitable contributions in the roadway to apply for a permit, it will not only create a more equitable permitting process for all groups, but it will improve public safety by giving law enforcement the tools they need to better maintain a safe environment for motorists and pedestrians.

This ordinance does not place any greater administrative burden on any one charitable organization over another, and will not place a financial burden on any charitable entity, large or small, wishing to solicit charitable contributions in the roadway, as there is no cost to apply for a permit. Additionally, this ordinance does not limit the ability of any individual, group or organization to solicit contributions, charitable or otherwise, in other public places which are not roadways, unless otherwise prohibited by the Columbus City Code.

To amend existing Sections 525.04 and 2171.06, to enact new Section 525.23, and to renumber prior Section 525.23 to 525.24 and amend Section 525.24 of the Columbus City Codes, 1959, to require that all organizations who solicit monetary donations on City roadways be required to obtain a permit.

WHEREAS, in the summer of 2007 Columbus City Council began an inquiry into current City Code provisions that relate to charitable solicitations on city roadways from motorists, including conducting a public hearing on October 9, 2007, and;

WHEREAS, while current City Code requires that all organizations obtain a permit to solicit charitable contributions on a roadway, there is ambiguity in the code that has caused certain organizations to believe that they are exempt from the permitting process, and;

WHEREAS, there is evidence to suggest that there has been an increase in the number of groups representing themselves as "bona fide, publicly recognized evangelical, missionary, or religious organizations or charities" - an undefined term in current City Code - for the purpose of soliciting charitable contributions on city roadways as exempt entities, and;

WHEREAS, inconsistencies in the permitting process create an issue of enforcement, and pose a safety hazard to groups engaged in roadway charitable solicitations that have not received a permit nor provided prior notice to city officials responsible for ensuring the public's safety, and;

WHEREAS, requiring all organizations wishing to solicit charitable contributions in the roadway to apply for a permit, will not only create a more equitable permitting process for all groups, but will improve public safety by giving law enforcement the tools they need to better maintain a safe environment for motorists and pedestrians, and;

WHEREAS, this ordinance does not place any greater administrative burden on any one charitable organization over another, and will not place a financial burden on any charitable entity, large or small, wishing to solicit charitable contributions in the roadway, as there is no cost to apply for a permit, and;

WHEREAS, this ordinance does not limit the ability of any individual, group or organization to solicit contributions, charitable or otherwise, outside of a street, highway, or roadway unless otherwise prohibited by the Columbus City Code, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That Section 525.04 of the Columbus City Codes, 1959 be and is hereby amended to read as follows:

525.04 Exceptions.

~~This chapter~~ **Section 523.03 of the code** shall not be applicable in the case of solicitations made:

- (a) By any bona fide, publicly recognized evangelical, missionary, or religious organization or charities, agencies, or organizations operated, supervised, or controlled by such organizations;
- (b) By any college, university or school accredited by a regional accrediting association such as the North Central Association of Colleges and Secondary Schools or approved by the Department of Education of the state of Ohio, or person acting under the auspices of such colleges, universities or schools;
- (c) By an organization where the solicitation is made solely from the membership of said organization;
- (d) By any person requesting contributions for the relief of any individual or family, specified by name at the time of the

solicitation, if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary;

(e) By any person, when contemplated gross contributions of a fund solicitation will not exceed five hundred dollars (\$500.00) in any one year, provided that if gross contributions of such a fund solicitation exceed five hundred dollars (\$500.00), the information required by the provisions of Section 525.06 shall forthwith be filed. (Ord. 1217-89.)

Section 2. That new Section 525.23 of the Columbus City Codes, 1959, be and is hereby enacted to read as follows:

525.23 Soliciting charitable contributions in roadway without permit.

(a) No person shall knowingly solicit charitable contributions on a street, highway, or roadway from the driver or occupants of a vehicle without first having obtained a permit pursuant to section 525.24 of this code.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

Section 3. That existing Section 525.23 of the Columbus City Codes, 1959, be and is hereby renumbered to 525.24:

525.24 ~~525.23~~ Permit to solicit charitable contributions in the roadway.

(a) The charitable solicitations board shall issue a permit to solicit contributions on a street, highway or roadway from the driver or occupants of a vehicle when all requirements of paragraph (b) of this section have been met. **There shall be no charge for permits issued under this section.**

(b) Certain charitable organizations may apply for and obtain a permit to solicit contributions in the street, highway or roadway, but not on a freeway as provided in Section 4511.051(A), Ohio Revised Code, when a permit is issued by the charitable solicitations board as follows:

(1) The charitable solicitations board shall prescribe a form and receive applications to solicit contributions on a street, highway or roadway, and shall adopt rules and regulations to implement this section.

(2) An application may be made only by a charitable organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Section 501(C)(3) of the Internal Revenue Code, as amended. Said Internal Revenue Service ruling or determination must be attached to the application prescribed by the charitable solicitations board.

(3) An application to solicit in the street, highway or roadway shall state the date and times for which the permit is sought. A permit under this section shall not be issued to a charitable organization for more than one (1) day each calendar year during the hours of 8:00 a.m. and 6:00 p.m. on that date or during daylight hours on such date.

(4) The application to solicit in the street, highway or roadway shall specify the locations or intersections for which the permit is sought, and shall list the names and addresses of all agents authorized to solicit on behalf of the organization.

(5) The application shall be accompanied by a paid up liability insurance policy or certificate of insurance in the amount of not less than one million dollars (\$1,000,000) that insures the charitable organization for any and all claims that may arise as a result of soliciting contributions in the street, highway or roadway and which insurance policy contains a clause that names the city and its officers, agents or employees as an additional named insured under such policy.

(6) The application may be accompanied by a statement from the safety director and service director that the proposed solicitation in the street, highway or roadway at the specified locations on the date stated in the permit will not cause excessive traffic congestion or hazard and does not conflict with a previously issued parade permit or scheduled public event. The charitable solicitations board must make both an inquiry and a determination on those subjects prior to the issuance of a permit and conclude that with or without such letters, the proposed solicitation in the street, highway or roadway will not cause excessive traffic congestion or hazard and does not conflict with a previously issued parade permit or scheduled public event.

(7) The chief of the division of police shall be provided a copy of the application, permit, and names of the agents of an organization that is issued a permit under this section. All agents soliciting contributions pursuant to a permit issued under this section shall possess a copy of such permit with them during the period of such solicitation.

(c) After charitable solicitations have been conducted pursuant to a permit issued under this section a permit holder shall notify the charitable solicitations board within sixty (60) days thereafter of the net proceeds resulting from such solicitation. (Ord. 868-03 § 1 (part); Ord. 1984-03 § 1.)

Section 4. That Section 2171.06 of the Columbus City Codes, 1959, be and is hereby amended to read as follows:

2171.06 Soliciting rides-Riding on outside of vehicle.

(a) No person while on a freeway, street, highway or roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) No person shall stand on a freeway, street, highway or roadway for the purpose of soliciting employment, business, or contributions from the driver or occupants of any vehicle. The prohibition contained in this paragraph does not apply if the person is soliciting contributions as a designated agent on behalf of an organization that has been issued a permit pursuant to Section **525.24** ~~525.23~~ and that person has a copy of that permit in their possession.

(c) No person shall hang onto or ride on the outside of any motor vehicle, streetcar, or trackless trolley while it is moving upon a freeway, street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a freeway, street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.51) (Ord. 680-93; Ord. 2120-03 § 1 (part).)

Section 5. That this ordinance shall take effect and be in force from and after the earliest date allowed by law.