



**CITY OF BEVERLY HILLS**  
**HUMAN SERVICES DIVISION**

**MEMORANDUM**

**TO:** Human Relations Commission

**FROM:** James R. Latta, L.C.S.W., Human Services Administrator *JRL*  
Wendy K. Hughes, National Urban Fellow, Special Assistant to City Manager

**DATE:** November 15, 2012

**SUBJECT:** Panhandling Initiative

**ATTACHMENT:** An Ordinance of the City of Beverly Hills Prohibiting Certain Conduct on Public Property and Amending the Beverly Hills Municipal Code (Ordinance No. 07-0-2538)

---

The following item is provided to the Commission for information only.

Panhandling is not against the law, but where and how one panhandles in the City of Beverly Hills can be (see attachment I). Typically, there are two kinds of panhandlers, aggressive and passive. Aggressive panhandlers block your way, follow, touch and intimidate to solicit money. Passive panhandlers, on the other hand, stand or sit quietly in a specific location with a sign asking for money. Most complaints about panhandling to BHPD are for aggressive panhandlers. On any given day, the business triangle attracts the majority of panhandlers. The most common areas for panhandling are the City owned parking garage exits and elevators, both Rite Aids in town, Rodeo drive and east Beverly blvd.

Professional or sophisticated beggars have the right to panhandle under the First Amendment. Even though panhandling is legal, is it appropriate to solicit money under false circumstances? In the case of Beverly Hills, many of the local panhandlers are professions who are not homeless nor in need of food or assistance. If these individuals were panhandling for a known social service agency that helped homeless individuals then, soliciting funds would be an honest endeavor. Instead, donations are given under false circumstances to support an addiction, supplement income or could be the primary source of income.

Why not give a panhandler money or food? For the few panhandlers that are homeless, contributions of money and/or food provide just enough subsistence to enable them to deny real help that's available. For example, the City of Beverly Hills provides a homeless outreach team that offers referrals for shelter, benefits, health and other assistance. It's human nature to be giving and generous, but is it the right thing to do? The balance between an individual's right to panhandle and the government's needs is a very fine line.

Cities across the nation have tried various approaches to deter panhandling. Common strategies to reduce panhandling include:

- Solicitation free zones;
- Donation centers;
- Readily available social services;
- Restrictions on aggressive panhandling;
- Designated time periods for panhandling;
- Targeted enforcement;
- Increased punishment for offenders;
- Local business efforts working together;
- Community education and outreach to encourage citizens to stop giving.

Most researchers and practitioners seem to agree that the enforcement of laws prohibiting panhandling plays only one part in controlling the problem. Public education to discourage people from giving money to panhandlers, informal social control (an engaged business community) and adequate social services for panhandlers are the other essential components of an effective and comprehensive response.

One approach the city has taken to address this issue is the use of the reinstated BHPD bicycle patrol which uses a mix of formal and informal approaches to keep panhandlers working within the boundaries of the law. The bike patrol will normally inform the aggressive panhandler about the rules they must follow and give them several warnings prior to issuing a citation. This method has been very effective in controlling the behavior of the more aggressive panhandlers.

Another approach which was discussed and subsequently dismissed was the possibility of stricter panhandling ordinances, but according to the prevailing research those are rarely effective and several cities have lost lawsuits. Additionally, it could attract the attention of the ACLU and possible legal suits and bring unnecessary publicity to the city.

Other methods currently being pursued include working with the BH Chamber of Commerce to engage the business community, in particular, the outside dining restaurants and local tour bus operators to play a pre-recorded 30 second PSA while driving into Beverly Hills requesting the visitors to not give money to the panhandlers.

Research continues into methods that have and have not worked in like cities to Beverly Hills.

ORDINANCE NO. 07-0- 2538

AN ORDINANCE OF THE CITY OF BEVERLY HILLS PROHIBITING CERTAIN CONDUCT ON PUBLIC PROPERTY AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

Section 1. The City of Beverly Hills is committed to taking a holistic approach to addressing the causes of, as well as deterring, certain public conduct on public property. The City has made arrangements with shelter facilities to make such facilities available for homeless persons in Beverly Hills who wish to avail themselves of such facilities. For those who wish to avail themselves of these facilities, transportation will also be made available. The City has engaged in, and will continue to engage in, outreach efforts to communicate with homeless individuals regarding facilities available to address their basic needs and avoid violating the provisions of this ordinance. Finally, in adopting the following provisions into its Municipal Code, the City Council also directs that members of the police department or other appropriate officials offer those alternatives to any person who appears to be homeless before arresting or citing that person for a violation of these provisions.

Section 2. Article 13 of Chapter 6 of Title 5 of the Beverly Hills Municipal Code is hereby amended by adding new Sections 5-6-1307, 5-6-1308 and 5-6-1309 to read as follows:

“5-6-1307: **HUMAN WASTE:** No person shall urinate or defecate on public property except in a facility intended for accepting human waste located in a public restroom.

5-6-1308: **ACCESS TO CITY-OWNED PARKING STRUCTURES:**

A. No person may be present in a City-owned parking structure unless he or she is engaged in one of the following activities or accompanying someone who is so engaged:

1. Parking or unparking a vehicle or riding in a vehicle that is being parked or unparked.
2. Departing from or returning to a vehicle that is parked in the parking structure.
3. Using or going to or from a public restroom located in the parking structure.
4. Operating or maintaining the parking structure as an employee or contractor of the City.

B. The term “City-owned parking structure” means the following structures, excepting retail or commercial space:

1. Beverly North, located at 345 N. Beverly Drive, Beverly Hills.
2. Beverly South, located at 216 S. Beverly Drive, Beverly Hills.
3. Beverly-Canon, located at 439 N. Beverly Drive and 438 N. Canon Drive, Beverly Hills.
4. Brighton, located at 9510 Brighton Way, Beverly Hills.
5. Camden, located at 440 N. Camden Drive, Beverly Hills.
6. Bedford, located at 461 N. Bedford Drive, Beverly Hills.
7. Rexford, located at 450 N. Rexford Drive, Beverly Hills.
8. Beverly Hills Gardens, located at 241 N. Canon Drive, Beverly Hills and 240 N. Beverly Drive, Beverly Hills.
9. La Cienega, located at 321 S. La Cienega Boulevard, Beverly Hills.
10. Crescent North, located at 333 N. Crescent Drive, Beverly Hills.
11. Crescent South, located at 221 N. Crescent Drive, Beverly Hills.
12. Dayton, located at 9361 Dayton Way, Beverly Hills.
13. SM-1, located at 485 N. Beverly Drive, Beverly Hills.
14. SM-2, located at 485 N. Rodeo Drive, Beverly Hills.
15. SM-3, located at 485 N. Camden Drive, Beverly Hills.
16. SM-4, located at 485 N. Bedford Drive, Beverly Hills.
17. SM-5, located at 485 N. Roxbury Drive, Beverly Hills.

5-6-1309: **OCCUPANCY OF PUBLIC RESTROOM:** No person shall occupy a City-owned public restroom more than 20 minutes per hour, and no person shall occupy a City-owned public restroom at any time such facility has been closed to the public. This provision shall not apply to persons maintaining a City-owned public restroom as an employee or contractor of the City.”

5-6-1310: **BATHING IN PUBLIC FOUNTAIN OR PUBLIC RESTROOM:** No person shall bathe, wash or make other contact with the water in a public fountain, other than a drinking fountain. No person shall use any city-owned

public restroom to wash any portion of their body other than their arms, neck and face.

Section 3. Section 5-6-1404 of Article 14 of Chapter 6 of Title 5 of the Beverly Hills Municipal Code is hereby amended to read as follows:

**“5-6-1404: UNLAWFUL SOLICITATION; LOCATION:** No person shall solicit in any of the following places:

- A. Within fifteen feet (15’) of any automated teller machine or parking pay station;
- B. Within fifteen feet (15’) of any designated bus stop, taxi stand or similar location;
- C. In any public bus or similar public transportation vehicle;
- D. At the pedestrian entrance/exit or elevator lobby of a City-owned parking structure. For purposes of this provision, “City-owned parking structure” shall have the meaning set forth in Section 5-6-1308(B) of this Code.
- E. Within fifteen feet (15’) of an open air dining area.”

Section 4. Chapter 6 of Title 5 of the Beverly Hills Municipal Code is hereby amended by adding a new Article 15 to read as follows:

**“ARTICLE 15. CAMPING OR STORING PERSONAL PROPERTY  
ON PUBLIC PROPERTY**

**5-6-1501: DEFINITIONS:** Unless the context otherwise requires, the definitions contained in this Section shall govern the meaning of words and phrases used in this Article.

**CAMP:** To pitch or occupy camp facilities; to use camp paraphernalia.

**CAMP FACILITIES:** Shall include, but not be limited to, tents, huts or temporary shelters.

**CAMP PARAPHERNALIA:** Shall include, but not be limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-City provided cooking facilities and similar equipment.

**CITY-OWNED PARKING STRUCTURE:** A City-owned parking structure designated in Section 5-6-1308(B) of this Code.

**PARK:** A public park designated in Section 8-1-01 of this Code.

STORE: To put aside for use when needed; to put for safekeeping; to leave in a location for later retrieval.

5-6-1502: **UNLAWFUL CAMPING:** No person shall camp, occupy camp facilities or use camp paraphernalia in the following areas:

- A. Any park.
- B. Any street.
- C. Any City-owned parking structure.
- D. Any other City owned or operated property.

5-6-1503: **UNLAWFUL STORAGE OF PERSONAL PROPERTY:** No person shall store personal property, including without limitation camp facilities and camp paraphernalia, in the following areas:

- A. Any park.
- B. Any street.
- C. Any City-owned parking structure.
- D. Any other City owned or operated property.

If property is placed in a location for such a length of time as to cause visible damage to grass or other landscaping, or to interfere with regular maintenance activities, then such damage or interference shall be evidence that the property has been stored in violation of this section.”

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

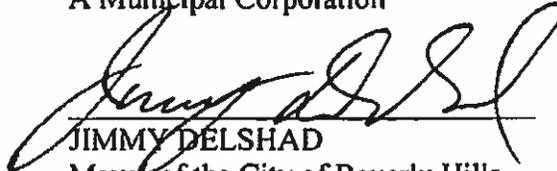
Section 6. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

Section 7. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after its passage.

Adopted: November 20, 2007

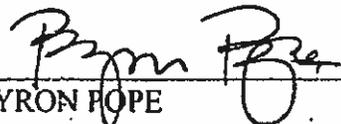
Effective: December 21, 2007

CITY OF BEVERLY HILLS  
A Municipal Corporation



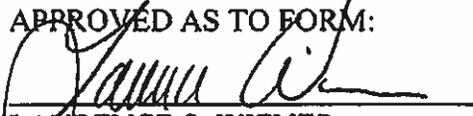
JIMMY DELSHAD  
Mayor of the City of Beverly Hills,  
California

ATTEST:



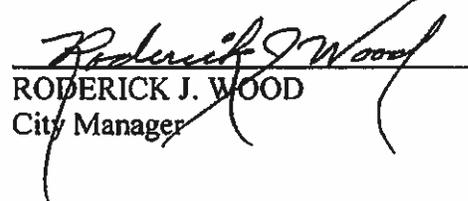
(SEAL)  
BYRON FOPE  
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:



RODERICK J. WOOD  
City Manager