

CHAPTER 6.27

CHARITABLE AND RELIGIOUS SOLICITATION

SECTION:

- 6.27.010: Generally
- 6.27.020: Class
- 6.27.030: Definitions
- 6.27.035: Registration with Secretary of State Required
- 6.27.040: Permit Required - Application
- 6.27.050: Issuance
- 6.27.060: Terms of Permits and Certificates
- 6.27.070: Credentials
- 6.27.080: Fees
- 6.27.090: Records and Receipts
- 6.27.100: Misrepresentation by Solicitors
- 6.27.110: Revocation, Suspension and Penalties

6.27.010: Generally: This Chapter regulates the licensing of charitable solicitors and religious solicitors. (Ord. 2542 Sec. 15 (part), 1980)

6.27.020: Class: Charitable solicitation and religious solicitation permits are Class I licenses. (Ord. 2542 Sec. 15 (part), 1980)

6.27.030: Definitions:

(1) "Solicit" and "Solicitation" mean the requesting or request of money, credit, goods, merchandise, time or other assistance, financial or otherwise, upon the representation that it will be used for charitable or religious purposes. Requests may be oral or written and include the offering for sale of articles and the making of announcements of, and the invitation and sales of admission to, events upon the claims that the proceeds shall be used for these purposes.

(2) "Charitable Purpose" means any patriotic, philanthropic, benevolent, educational, civic or fraternal purpose, actual or purported, but the term does not include "religious purpose."

(3) "Promoter" is any person who manages, supervises, organizes or attempts to organize a campaign of solicitation.

(4) "Independent Fund Raiser" or "Independent Fund-Raising Entity" means any entity that for compensation or other consideration, plans, conducts, manages, or administers any drive or campaign in this City for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable or religious purpose, or that is engaged in the business of or is held out to persons in this City as independently engaged in the business or soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this City for such solicitations. However, a nonprofit fund raiser or bona fide officer or other employee of a charitable organization shall not be deemed an independent fund raiser. (Ord. 3011 Sec. 1, 1986; Ord. 2542 Sec. 15 (part), 1980)

6.27.035: Registration with Secretary of State Required: It is unlawful for any charitable organization, or any independent fund raiser or solicitor, to carry on a solicitation for charitable contributions for or on behalf of any charitable organization within the City without having first filed with the Washington Secretary of State's Office its registration statement and disclosure requirements, unless qualified as exempt therefrom, all as required by RCW 19.09. (Ord. 5008 Sec. 22, 2003)

6.27.040: Permit Required - Application:

(1) Charitable Purpose. No person shall solicit contributions for any charitable purpose without a "charitable solicitation permit."

- (a) Exceptions. No permit shall be required for solicitation by members of charitable organizations among its members nor to persons who are present at meetings of such organizations.
- (b) Nonprofit Fund Raiser - Application. An application for registration must be submitted in the form prescribed by the License Officer and must contain the following:
 - (i) The name, address, and telephone number of the organization;
 - (ii) The name(s), address(es), and the telephone number(s) of the officers of the organization;
 - (iii) The names of the three officers or employees receiving the greatest amount of compensation from the organization;
 - (iv) Whether the financial affairs of the organization are audited by an independent entity, and, if so, the name and address of the entity; and
 - (v) A solicitation report of the organization for the preceding accounting year, including;
 - (vi) The number and types of fund-raising activities conducted on behalf of charitable organizations;
 - (vii) The names of charitable organizations on whose behalf fund-raising activities were conducted;
 - (viii) The total value of contributions received on behalf of charitable organizations; and
 - (ix) The amount of money disbursed to charitable organizations for charitable purposes.

The application must be signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, \$10.00 filing fee. If the License Officer determines that the application is complete, the application must be filed and the applicant deemed registered.

- (c) Independent Fund Raiser - Application. An application for registration as an independent fund raiser must be submitted in the manner prescribed by the License Officer and contain at least the following information:
 - (i) The name, address, and telephone number of the independent fund-raising entity;
 - (ii) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the independent fund-raising entity;
 - (iii) The name, address, and telephone number of the individual responsible for the activities of the independent fund-raising entity in Washington;
 - (iv) A list of states and Canadian provinces in which fund raising has been performed;

- (v) The names of the three officers or employees receiving the greatest amount of compensation from the independent fund-raising entity;
- (vi) Whether the financial affairs of the independent fund raiser are audited by an independent entity, and, if so, the name and address of the entity;
- (vii) A solicitation report of the independent fund-raising entity for the preceding accounting year, including:
 - (viii) The number and types of fund-raising services conducted;
 - (ix) The names of charitable organizations required to register under RCW 19.09.065 for whom fund-raising services have been performed;
 - (x) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the independent fund raiser, affiliate of the independent fund raiser, or any entity retained by the independent fund raiser; and
 - (xi) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the independent fund raiser;
 - (xii) The name, address, and telephone number of any independent fund raiser that was retained in the conduct of providing fund raising services; and the application shall be signed by an officer or owner of the independent fund raiser and shall be submitted with a nonrefundable, \$50.00 filing fee. If the License Officer determines that the application is complete, the application shall be filed and the applicant deemed registered.
- (d) Changes. The License Officer shall be notified within twenty-four (24) hours of any changes in the above information.
- (2) Religious Purposes. No person shall solicit contributions for religious purposes without a "certificate of registration."
 - (a) Exceptions. No permit shall be required for solicitation by members of religious organizations among its members nor to persons who are present at meetings of such organizations.
 - (b) Form. Except as prohibited by the precepts of the religious organizations, the application shall contain the following information:
 - (i) The name and local address of the applicant;
 - (ii) The amount proposed to be raised by the solicitation and the use or disposition to be made of the funds;
 - (iii) The names and addresses of the persons who will do the soliciting and who will disburse funds successfully solicited;
 - (iv) The dates between which solicitation will be done and the estimated costs including the wages, fees, commissions or expenses to be allowed solicitors;
 - (v) A statement of the last preceding year in which the applicant solicited funds, the amount successfully solicited and the costs of solicitation and the disposition of the balance;
 - (vi) A statement of the religious work being done by the applicant within the City;
 - (vii) A copy of the credentials which will be carried by solicitors; and
 - (viii) A statement that the certificate will not be represented as an endorsement by the City of any solicitations.

- (c) Changes. The applicant will give written notice to the License Officer within twenty-four (24) hours of any changes in the above required information. (Ord. 3011 Sec. 2, 1986: Ord. 2868 Sec. 1, 1984: Ord. 2542 Sec. 15 (part), 1980)

6.27.050: Issuance:

- (1) Charitable Solicitation Permits. The License Officer may conduct an investigation to determine the eligibility of any applicant, and, if he is satisfied:
 - (a) That the statements in the application are true;
 - (b) That the applicant and the officers of the organization on whose behalf the solicitation will be made and all persons soliciting and promoters, are of good moral character; and
 - (c) That the proposed solicitation will be conducted for charitable and not for any private gain.
- (2) Religious Solicitation Registration. Upon receipt of an application for registration for religious solicitation, the License Officer shall ensure that the application is completely filled out and shall immediately issue a certificate of registration. (Ord. 2868 Sec. 2, 1984: Ord. 2542 Sec. 15 (part), 1980)

6.27.060: Terms of Permits and Certificates: All permits issued for charitable solicitation shall be valid for a period of one (1) year or any period shorter as requested by the applicant. All certificates of registration for religious solicitation shall be valid for six (6) months or such shorter period as the applicant requests. All permits and certificates of registration issued under this Chapter are non-transferrable. (Ord. 2542 Sec. 15 (part), 1980)

6.27.070: Credentials: All promoters shall furnish credentials approved by the License Officer to persons soliciting for charitable purposes. It shall be unlawful for any person to solicit for charitable or religious purpose without credentials and to present these credentials upon demand to any person to whom a solicitation is made or to any peace officer. Credentials for charitable solicitation shall be dated and include the name of the promoter, be signed by the promoter, contain a statement describing the charitable activity for which solicitation is being made and the date for which the person bearing the credentials is authorized to solicit, and shall contain the signature of the solicitor. (Ord. 2868 Sec. 3, 1984: Ord. 2542 Sec. 15 (part), 1980)

6.27.080: Fees: A fee of \$10.00 shall be charged for each charitable solicitation permit if no person soliciting will be paid or retain a portion of the solicited funds. If solicitors or promoters are paid or retain a portion of the funds, the fee for the permit shall be \$100.00. (Ord. 2975 Sec. 1 (part), 1985: Ord. 2542 Sec. 15 (part), 1980)

6.27.090: Records and Receipts: Every person soliciting for charitable purposes who receives a contribution of \$5.00 or more shall give the contributor a receipt upon request. All promoters shall maintain accurate books and records of all donations and disbursements for funds collected by way of charitable solicitation. These records shall be open for inspection to the License Officer at reasonable times. Within thirty (30) days after completing charitable solicitation, the holder of any permit shall furnish the License Officer with a detailed financial report and statement showing the amount raised by the solicitation under his permit, the amount expended in soliciting including all wages, fees, commissions and expenses allowed anyone in connection with the solicitation, and a statement of the disposition of the balance of

the funds. The License Officer shall maintain this report for inspection by the public. (Ord. 2868 Sec. 4, 1984: Ord. 2542 Sec. 15 (part), 1980)

6.27.100: Misrepresentation by Solicitors: It shall be unlawful for any person soliciting contributions for any purpose to make any misrepresentation of his name, occupation, residence, financial condition or the purpose to which solicited funds are to be put. (Ord. 2542 Sec. 15 (part), 1980)

6.27.110: Revocation, Suspension and Penalties: The License Officer, or on review the Appeals Commission, may suspend, revoke or refuse to issue a license if the licensee or applicant has violated any of the provisions of this Title. If they have reasonable cause to believe that funds for charitable or religious purposes are being solicited by fraudulent or other unlawful means or that funds solicited are being used for purposes other than that represented, they may impound the funds by summary order for the purpose of returning them to the persons solicited. They may also assess a penalty of not less than \$25.00 nor more than \$500.00. They may also order that compensatory damages or restitution be paid to anyone injured as the result of a violation. The failure of the licensee to pay an assessment, damages or restitution automatically suspends the license until such time as they are paid. Suspensions, revocations, penalties, damages and restitution are suspended during the course of hearing, appeal and review unless the License Officer or Commission finds that the licensee or applicant's claim is meritless. (Ord. 3589 Sec. 2 (part), 1996: Ord. 3429 Sec. 9, 1992: Ord. 3160 Sec. 8, 1988: Ord. 2542 Sec. 15 (part), 1980)