

Chapter 5.03 - CHARITABLE SOLICITATIONS

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5.03.010 - Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section:

"Charitable solicitations campaign" means:

1. Any course of conduct whereby any person shall solicit money or property on the plea or representation that the proceeds therefrom are for any charitable, educational, patriotic or philanthropic purpose; or
2. Any course of conduct whereby any corporation chartered under the Texas Nonprofit Corporation Act, or any of its agents, solicits money or property; or
3. Any course of conduct whereby any person shall solicit money or property for an organization which is organized for any charitable, educational, patriotic or philanthropic purpose.

"Charity" or "charitable, educational, patriotic or philanthropic purpose" means the use, actual or represented, of money or property for any of the following purposes:

1. For the benefit of any poor, underprivileged, needy, sick or handicapped person;
2. For the benefit of any church, congregation, religious society or other religious group or order which is not exempt from this chapter under Section 5.03.030 of this chapter;
3. For patriotic purposes such as the teaching of patriotism;
4. For the benefit of any veteran or veteran's organization or association;
5. For the defense or general welfare of the United States, or any state or nation;
6. For the relief of any race or group of people;
7. For civic purposes such as social or cultural functions or the improvement or beautification of any state, city or community;
8. For the benefit of any fraternal or social organization, or any member or group of members of such an organization;
9. For the benefit of existing educational institutions or for the establishment or endowment of educational institutions, or for the aid and assistance in the education of any person or group of persons.

"Cost of fundraising" means all costs incurred in raising the funds solicited.

"Organization" means and includes associations, clubs, societies, firms, partnerships and corporations as well as individuals or groups of individuals.

"Professional promoter" or "professional solicitor" means a person who, for compensation, plans, promotes, conducts, manages, carries on or makes solicitations for any charitable solicitations campaign. A bona fide officer or regular employee of a charitable, educational, patriotic or philanthropic organization shall not be deemed a professional promoter or professional solicitor by reason of his participation in a charitable solicitations campaign by or on behalf of his employer.

"Solicit" or "solicitation" means the following methods of securing or attempting to secure money or property:

1. Any oral or written request;
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication;
3. The making of any announcement through the press, radio, television or by telephone or telegraph concerning an appeal, assembly, athletic or sporting event, bazaar, benefit campaign, contest, dance, dinner, entertainment, social gathering or similar event which the general public is requested to patronize, or to which the general public is requested to make contributions;
4. The sale, or the offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing.

A solicitation shall be deemed completed when made, whether or not the person making the solicitation receives any money or property, or makes any sale.

(Ord No. 17691 § 1, 12-6-2011, eff 2-29-2012)

5.03.020 - Permit required. ^{نفس}

Except as provided in section 5.03.030, it shall be unlawful to conduct any charitable solicitations campaign in the city unless the person, organization, society, association or corporation conducting same and responsible therefore shall first have paid the established fee and obtained a permit in compliance with the terms of this chapter.

(Ord No 17691, § 1, 12-6-2011, eff 2-29-2012)

5.03.030 - Permit exceptions. ^{نفس}

Except to the extent hereinafter stated in this section, the provisions of this chapter shall not apply to:

- A. Any organization which solicits funds solely from its own voting members, not using public streets or public places for such purposes. "Members" means those persons who, for the payment of fees, dues or other such assessments, receive a bona fide right, privilege, professional standing, honor or other direct benefit, in addition to right to vote, elect officers or hold office;
- B. Any organization which solicits funds on premises owned or controlled by the organization soliciting funds or with the permission of the organization or person who owns or controls the premises;
- C. Any organization whose receipts from solicitations do not exceed five hundred dollars annually.

Notwithstanding the fact that the provisions of this section do not otherwise apply, any person, organization, society, association or corporation conducting any charitable solicitations campaign in the city may be required, within seven calendar days of receiving a written request from the permit official, to submit to the permit official such books and financial records as the permit official deems necessary to verify that any funds received as a result of the charitable solicitations campaign are actually being used for their stated purpose. Each day or portion thereof during which such books and records are required to be submitted to the permit official, but are not submitted, shall constitute a separate violation of this section.

(Ord No 17691, § 1, 12-6-2011, eff 2-29-2012)

5.03.040 - Application—Information to be contained. ^{نفس}

A permit to conduct a charitable solicitations campaign in the city shall be granted only after review and approval of the application by the permit official. Such application shall be sworn to by the applicant, and shall contain the following information:

- A. The full name and the city address of the individual(s) or organization applying for the permit to solicit, and if the organization is a chapter or other affiliate of an organization having its principal office outside the city, the name and address of the parent organization;
- B. The names and addresses of all officers, directors and trustees of the organization applying for the permit;
- C. The purpose or purposes for which the gross receipts derived from such charitable solicitations campaign are to be used;
- D. The name of the person, or persons by whom the receipts of such solicitations shall be disbursed;
- E. The name and address of the person or persons who will be in charge of conducting the charitable solicitations campaign in the city;
- F. An outline of method or methods to be used in conducting the charitable solicitations campaign;
- G. The period within which such charitable solicitations campaign shall be conducted, including the proposed date for the beginning and end of such campaign;
- H. The total amount of funds proposed to be raised;
- I. The projected amount or schedule of all salaries, wages, fees and commissions, expenses and costs to be expended, and the approximate percentage of funds to be collected which will go to charity and the approximate percentage which will go for fundraising;
- J. The names and addresses of all individuals who will act as agents for the applicant and the names and addresses of any professional promoter(s) or professional solicitor(s) employed by the applicant to participate in such solicitation;
- K. A statement of the funds, if any, collected by the applicant during the preceding year from a charitable solicitations campaign conducted within the city. Such statement to show the amount collected, the cost of fundraising, the percentage that went to charity and the final distribution thereof. Annual financial reports of the applicant may be filed in lieu of a separate campaign statement;
- L. A statement of the character and extent of the charitable, educational, patriotic or philanthropic work done by the applicant within the city during the last preceding year;
- M. If the applicant is a corporation, a copy of its charter or articles of incorporation; if the applicant is a foreign corporation, a copy of its certificate to do business in the state;
- N. If the applicant is a charitable organization or other organization to which contributions are tax deductible for federal income purposes, proof of its current status as such an organization.

(Ord No 17691, § 1, 12-6-2011, eff 2-29-2012)

5.03.050 - Application—Fee. ^{نفس}

The established fee for a permit to conduct a charitable solicitations campaign in the city shall be paid by the applicant at the time of the filing of the application.

(Ord No 17691 § 1, 12-6-2011, eff 2-29-2012)

5.03.060 - Review by the permit official. ^{نفس}

Upon receipt of a proper application as provided in this chapter, the permit official shall review the application and in accordance with Section 5.03.070 of this chapter, issue the permit applied for, unless the permit official finds:

- A. One or more of the statements made in the application are not true;

- B. That applicant or person in charge of the charitable solicitations campaign has made or caused to be made false statements or misrepresentations on the application or has made false statements; or
- C. The application does not comply with the requirements of Section 5.03.040

(Ord No 17691 § 1. 12-6-2011, eff 2-29-2012)

5.03.070 - Issuance of permit. نسخه

Within ten working days of the receipt of the application for a permit, the permit official shall either issue a permit to conduct a charitable solicitation campaign or notify the applicant that the application does not meet the criteria established in Section 5.03.060, and specifically point out what information or explanation has not been furnished that is required before a permit can be issued.

(Ord No 17691 § 1 12-6-2011, eff 2-29-2012)

5.03.080 - Duration of permit. نسخه

- A. Each charitable solicitation permit issued under this chapter shall expire at the termination of the solicitation period specified in the application or one year from the date of issuance, whichever is less.
- B. Charitable organizations continuously operating on an annual basis may hold permits effective for a one-year period corresponding with the fiscal year of the organization.

(Ord No 17691 § 1. 12-6-2011 eff 2-29-2012)

5.03.090 - Revocation. نسخه

If after review, the permit official determines that any permit holder, or any agent or representative of a permit holder, has made false statements or misrepresentations in the application, then it shall be the duty of the permit official to revoke the permit; provided, however, that the permit holder shall be given written notice by certified mail that the permit is being revoked.

(Ord No 17691 § 1. 12-6-2011 eff 2-29-2012)

5.03.100 - Reports to be filed. نسخه

- A. All persons or organizations issued permits under this chapter shall furnish to the permit official within thirty days after the charitable solicitations campaign has been completed a detailed report and a financial statement showing the amount of funds raised by the charitable solicitations campaign, the amount expended for cost of fundraising, including a detailed report of the wages, fees, commissions and expenses paid to any person in connection with such fundraising, and the disposition of the balance of the funds collected by the campaign sworn to by an officer of the permitted organization; provided, however, that the permit official may extend the time for filing of the report required by this chapter for an additional period of thirty days for good cause shown. The permittee shall make available to the permit official, or to any person designated in writing by the permit official as his representative for such purpose, all books, records and papers whereby the accuracy of the report required by this chapter may be investigated.
- B. An organization which is granted an annual solicitation permit and which prepared an annual report and financial statement shall be permitted to furnish a copy of such report and statement to the permit official within sixty days after the close of its fiscal year in lieu of the report required by subsection A. of this section and if the gross receipts from charitable solicitations of such organization exceeds one thousand dollars, shall comply with the requirements of subsection B. of this section.

(Ord No. 17691 § 1. 12-6-2011, eff 2-29-2012)

5.03.120 - Agents and solicitors of permit holders. نسخه

- A. All persons to whom permits have been issued under this chapter shall furnish proper credentials to their agents and solicitors for such charitable solicitations campaign. A current membership card in the organization conducting the solicitation shall suffice for such identification. No person shall solicit under any permit granted under this chapter without the credentials required by this section, and the credentials shall be shown upon request to any person solicited, and to any police officer or permit official.
- B. No person shall conduct or participate in any charitable solicitation campaign, except under a valid permit issued in compliance with this chapter.

(Ord No 17691 § 1 12-6-2011, eff 2-29-2012)

5.03.130 - Receipts. نسخه

Any person receiving money or anything having a value of one dollar or more from any contributor under a solicitation made pursuant to a permit granted under this chapter shall give to the contributor upon request a written receipt signed by the solicitor showing plainly the name and permit number of the organization under whose permit the solicitation is conducted, the date and the amount received; provided however, that this section shall not apply to any contributions collected by means of a closed box or receptacle used with the express approval of the permit official where it is impractical to determine the amount of such contributions.

(Ord No. 17691 § 1 12-6-2011 eff 2-29-2012)

5.03.140 - Responsibility for acts of solicitors. نسخه

The recipient of a permit for a charitable solicitations campaign shall be responsible for the acts and conduct of his authorized representatives in connection with such campaign.

(Ord No. 17691 § 1. 12-6-2011 eff 2-29-2012)

5.03.150 - Certain methods of solicitation prohibited. نسخه

The following types of solicitations are prohibited:

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- A. Solicitations which involve the selling of tickets to an event where the ticket sales will exceed the capacity of the facilities where the event is to be held.
- B. Solicitation by means of coin or currency boxes or receptacles, except:
 - 1. When each such box or receptacle is serially numbered and the permit official advised of the number and location of each;
 - 2. When each such box or receptacle is the responsibility of a bona fide member, agent or solicitor of the soliciting organization;
 - 3. When such responsible person is required to pick up each box or receptacle at the end of the solicitation; and
 - 4. When the use of such boxes and receptacles is expressly authorized by the permit official.
- C. Solicitations from persons at any theater or any other place of public performance where admissions are charged for the privilege of attending.
- D. Solicitations from occupants of motor vehicles stopped on a public roadway in obedience to a traffic control signal light, except as may be allowed under Section 12.32.050 of this Code.

(Ord. No. 17891 § 1 12-6-2011, eff. 2-29-2012)