



## Legislation Text

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**File #:** ORD-87:1422, **Version:** 1

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### AN ORDINANCE PROHIBITING TELEPHONE SOLICITATIONS OF CONTRIBUTIONS FOR ELEEMOSYNARY PURPOSES WITHOUT A CITY PERMIT AND TO REQUIRE CERTAIN DISCLOSURES BEFORE A PERMIT CAN BE ISSUED

Section One: Telephone solicitations of contributions for eleemosynary purposes prohibited. The practice of telephoning any private residence or dwelling or business establishment in the city for the purpose of soliciting contributions, donations, ticket sales, or gifts for benevolent, philanthropic, patriotic, religious, educational, charitable, or other eleemosynary purposes without a permit is prohibited.

The city collector shall issue a permit for telephone solicitation of contributions, donations, gifts, ticket sales, for such purposes at no fee upon sworn statement of the person making such telephone solicitation or for an officer of the organization, group, association, partnership, or corporation making such telephone solicitation which shall include the following:

- (1) The name under which such telephone solicitation is to be conducted;
- (2) The names, addresses, and telephone numbers of persons or of the officers and directors of the organization, group, association, partnership or corporation who is to conduct such telephone solicitations;
- (3) The names, addresses and telephone numbers of any professional fund raiser and professional solicitors who participate or will participate in such telephone solicitation together with a statement setting forth information showing that such fund raisers and/or solicitors are registered with the Secretary of State's office, together with a statement setting forth the terms of the arrangements for salaries, bonuses, expenses, commissions and other remunerations to be paid the professional fund raisers and professional solicitors;
- (4) The general purposes of the person, organization, group association, partnership, or corporation conducting such telephone solicitation;
- (5) The purposes for which the contributions, donations, or gifts solicited will be used;
- (6) The period of time during which such telephone solicitation is to be conducted;
- (7) The written consent of any existing person, group, organization, association, partnership or corporation for which such telephone solicitation is made;
- (8) Such sworn statement shall further include a statement that all fund raisers and solicitors involved in solicitations will inform each prospective donor or contributor orally and by a writing, and prior to accepting any donation, contribution, or ticket purchase, (1) the minimum percent of the gross income to be received by the involved charitable, benevolent, civic, patriotic or philanthropic cause, excluding the cost of fund raising activity, and, (2) the identity of the person, firm, or corporation responsible for soliciting said funds and the compensation received for such services. If solicitations involve the sale of passes or tickets of admission to a show or benefit, a statement that no more tickets of admission or passes will be sold for each performance than is permitted by the capacity of the facility where the shows or benefits are to be played.

A permit issued under this section shall be valid only during the calendar year in which it is issued.

Within six (6) weeks from the time that solicitation efforts are terminated, the person to whom a permit has been issued hereunder shall file a written report and financial statement with the city clerk showing the amount raised by the solicitations, the amount expended in collecting such funds, including a detailed report of wages,

fees, commissions, and expenses paid to any person in connection with such solicitation and the disposition of the balance of the funds collected. This report shall be available for public inspection. No person shall be granted a new permit unless and until he has filed the report required under a previous permit.

The provisions of this ordinance shall not apply to any bona-fide full time employee of said organization, or to any firm, person, partnership, corporation, or other entity who donates or gives all of the gross proceeds from sales or all donations to the organizations for which said funds or things of value were solicited.

Any practice or act prohibited by this ordinance may be deemed to have occurred or to have been committed at either the place at which the telephone call was made or was received.

Any person, organization, group, association, partnership, or corporation found guilty of violating any of the provisions of this ordinance shall be fined in an amount not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both.

Section 2: This ordinance is necessary for the preservation of the public peace, health and safety, and shall be in full force and effect, from and after its passage and approval.

PASSED this 7<sup>th</sup> day of December, 1987.