

525.01 - Definitions.

For the purposes of enforcing this chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth unless the context clearly requires a different meaning:

- (A) "Charitable" means any benevolent, philanthropic, patriotic, or educational purpose.
- (B) "Cost of solicitation" shall mean all costs incurred in raising the funds solicited. The "cost of solicitation" shall include any compensation, in whatever form, paid to a "professional fundraiser" or "professional solicitor." The cost of solicitation shall not include:
- (1) where a show, benefit, dance, bazaar, raffle, sporting or social event, or other similar event is held nor the cost of giving or holding such a show or event;
 - (2) the cost of making or acquiring a publication which is sold for, or has space sold for charitable purposes;
 - (3) where goods or commodities are sold; the cost of making or acquiring such goods or commodities.
- (C) "Contribution" means the promise or grant of any money or property of any kind or value.
- (D) "Person" shall mean any individual, organization, firm, copartnership, company, corporation, association, joint stock association, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative.
- (E) "Professional fund raiser" means any person who, for compensation, plans, conducts, manages, or carries on any drive or campaign in this city for the purpose of soliciting contributions for or on behalf of any charitable organization, or who engages in the business of or who represents themselves to persons in this city as independently engaged in the business of soliciting contributions for charitable purposes. A bona fide officer or employee of a charitable organization shall not be deemed a professional fund raiser.
- (F) "Solicit" and "solicitations" shall mean the request, either directly or indirectly, for money or financial assistance on the plea or representation that such money or financial assistance will be used for a charitable purpose. A "solicitation" as defined herein, shall be deemed completed when made, whether or not any contribution is received or sale is made.
- (G) "Fund-raising counsel" means any person who plans, manages, advises, consults, or prepares material for compensation with respect to solicitation in Columbus for any charitable organization. It shall also mean any person(s) who at any time has custody of contributions from a solicitation, but does not solicit contributions and does not employ, procure, or otherwise engage any compensated person to solicit contributions.

"Fund-raising counsel" does not include the following:

- (1) An attorney, investment counselor, or banker who in the conduct of his profession advises a client;
- (2) A charitable organization or a bona fide officer, employee, or volunteer of a charitable organization, who has full knowledge of the services being performed on its behalf and either of the following applies:
 - (a) The services performed by the charitable organization, bona fide officer, employee, or volunteer are performed on behalf of the organization that employs the bona fide officer or employee or engages the services of the bona fide volunteer;
 - (b) The charitable organization on whose behalf the services are performed shares some element of common control or an historic or continuing relationship with the charitable organization that performs

the services or employs the bona fide officer or employee or engages the services of the bona fide volunteer;

(3) An employee who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, but who incidentally solicits contributions for a charitable organization or purpose without compensation;

(4) A compensated employee of an employer who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, when the employee solicits contributions or conducts charitable sales promotions at the direction of their employer.

(H) "Professional solicitor" means any person who, for compensation, performs on behalf of or for the benefit of a charitable organization any service in connection with which contributions are or will be solicited in this state by the compensated person or by any person it employs, procures, or otherwise engages directly or indirectly to solicit contributions. "Professional solicitor" does not include the following:

(1) An attorney, investment counselor, or banker who in the conduct of his profession advises a client;

(2) A charitable organization or a bona fide officer, employee, or volunteer of a charitable organization, when the charitable organization has full knowledge of the services being performed on its behalf and either of the following applies:

(a) The services performed by the charitable organization, bona fide officer, employee, or volunteer are performed on behalf of the charitable organization that employs the bona fide officer or employee or engages the services of the bona fide volunteer;

(b) The charitable organization on whose behalf the services are performed shares some element of common control or an historic or continuing relationship with the charitable organization that performs the services or employs the bona fide officer or employee or engages the services of the bona fide volunteer; (3) An employee who is not engaged in the business of soliciting contributions or conducting charitable sales promotions but who incidentally solicits contributions for a charitable organization or purpose without compensation;

(4) A compensated employee of an employer who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, when the employee solicits contributions or conducts charitable sales promotions at the direction of their employer.

(5) "Fund-raising counsel" as defined in 525.01(G).

(I) "Distribution" has the same meaning as defined in CCC Sec. 2333.01

~~525.23 - Soliciting charitable contributions in roadway without permit. [Repealed]~~

~~(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.~~

~~(C) The requirements of this section and Section 525.24 shall not apply to any employee of the division of fire, provided the public safety director or their designee, and the chief of the division of police, have received prior written notice of the date, time, and locations or intersections for charitable contributions~~

~~solicitation, and provided the employee is in uniform while on the street, highway, or roadway, and provided the employee has received permission from the chief of the division of fire.~~

525.24 - Permit to ~~solicit charitable contributions~~ engage in not for profit distribution in the roadway.

(A) The public safety director or their designee shall issue a permit to ~~solicit contributions~~ engage in not for profit distribution on a street, alley, highway or roadway ~~from~~ with 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~~ An individual or organization may apply for and obtain a permit to ~~solicit contributions~~ engage in not for profit distribution in the street, alley, 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 public safety director or their designee as follows:

(1) The public safety director or their designee shall approve a form and receive applications to ~~solicit contributions~~ engage in not for profit distribution on a street, alley, 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 current valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to Section 501(C)(3) of the Internal Revenue Code, Said Internal Revenue Service ruling or determination, which must be attached to the approved application.~~

~~(3)~~ (2) The application shall state the date and times for the ~~solicitations~~ distributions and shall not be issued to ~~a charitable organization~~ an individual or organization for more than one (1) day each calendar year, and only during the hours of 8:00 a.m. and 6:00 p.m. or during daylight hours on such date.

~~(4)~~ (3) The application to ~~solicit~~ distribute shall specify the locations or intersections, and shall list the names ~~and addresses~~ of all individuals and agents authorized to ~~solicit~~ distribute on behalf of ~~the~~ an organization.

~~(5)~~ (4) The application shall be accompanied by a current and valid liability insurance policy or certificate of insurance in the amount of not less than one million dollars (\$1,000,000) that insures the ~~charitable individual or organization~~ for any and all claims that may arise as a result of ~~soliciting contributions~~ engaging in not for profit distribution in the street, alley, highway or roadway, and contains a clause that names the city and its officers, agents or employees as an additional named insured under the policy.

~~(6)~~ (5) The application may be accompanied by a statement that the proposed ~~solicitation~~ distribution will not cause excessive traffic congestion or hazards and does not conflict with a previously issued parade permit or scheduled public event. The public safety director or their designee must make both an inquiry and a determination on those subjects prior to the issuance of a permit.

~~(7)~~ (6) The chief of the division of police shall be provided a copy of the application, permit, and names of the individual or agents of an organization that is issued a permit under this section. All agents ~~soliciting contributions~~ engaging in not for profit distribution shall possess a copy of such permit with them during the period of such ~~solicitation~~ distribution.

(C) ~~After charitable solicitations have been conducted~~ If charitable solicitation occurs during the distribution, the permit holder shall notify the public safety director or their designee within sixty (60) days of conclusion of the net proceeds resulting from the solicitation.

(D) The requirements of paragraph (B) shall not apply to any employee of the division of fire, provided the public safety director or the director's designee, and the chief of the division of police, have received prior written notice of the date, time, and locations or intersections for not for profit distribution, and provided the employee is in uniform while on the street, highway, or roadway, and provided the employee has received permission from the chief of the division of fire.