



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2506-2014, **Version:** 1

BACKGROUND: This Ordinance amends various sections of Chapter 525 and 589 of the Columbus City Code.

The License Section of the Department of Public Safety administers and enforces all laws, rules and regulations relating to licensing requirements for various types of businesses, charitable solicitations, and vehicles for hire. This ordinance will increase two of the licensing fees (Charitable Solicitation and Professional Fundraising) and decrease one fee (Vehicle for Hire Driver's License).

FISCAL IMPACT: Increasing existing fees for Charitable Solicitations and Professional Fundraising may generate approximately \$10,000.00 in additional revenue. Decreasing the fees for Vehicle for Hire drivers will decrease revenue by approximately \$20,000.00. License Section generated total revenues of \$1,352,954.31 in 2013 and for 2014 revenues are at \$1,996,910.27 to date.

To amend various sections of Chapter 525 and 589 of the Columbus City Code by increasing Charitable Solicitation and Professional Fundraising fees and decreasing the Vehicle for Hire fee.

WHEREAS, there is a need to make various changes in Chapters 525 and 589 of the Columbus City Code to address and provide new fees for various licenses, and

WHEREAS, it is necessary for the Department of Public Safety, Division of Support Services, to revise various sections of Chapter 525 and 589 of the Columbus City Codes by increasing two existing fees (charitable solicitation and professional fundraising) and decreasing one existing fee (Vehicle for Hire Driver's License); now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

SECTION 1. That Sections 525.07 and 525.21 of the Columbus City Code are hereby amended to read as follows:

525.07 - Fee.

The application for a permit shall be accompanied by a fee of ~~twenty five~~ forty dollars (~~\$25.00~~) (\$40.00) which said fee shall be returned by the city if the permit is denied.

525.21 - Professional fundraisers.

(a) License Required. No professional fund raiser shall, in any manner whatsoever, solicit persons located in the city for any contributions for any actual or purported charitable purpose without first obtaining a license from the board to do so.

(b) Application. To obtain such license, such professional fund raiser shall make and file with the board an application therefore in writing. In such application, the applicant shall set forth, in addition to such information as may be required by the board:

(1) The name and address of the applicant, and if such applicant be a corporation, the name and address of each

of its managing officers and agents and, if it be an unincorporated association, firm or partnership, the name and address of each member of such unincorporated association, firm or partnership;

- (2) Any theft offenses the applicant or its officers have been convicted of in the last five (5) years;
- (3) The general plan, character, and method in or by which applicant proposes to conduct its or his business as a professional fund raiser;
- (4) A complete financial statement of the applicant for the applicant's last year of operations;
- (5) A copy of the contract under which the applicant will be soliciting contributions for the charitable organization or organizations employing it.

(c) Bond:

(1) At the time of so filing with the board an application for such license the applicant shall file and thereafter maintain with the board a good and sufficient bond in the aggregate sum of five thousand dollars (\$5,000.00) running to the city for the use and benefit of interested persons and parties, executed by the applicant and by two (2) or more responsible sureties, or a surety company authorized to do business in the state, to be approved by the board. The total aggregate liability on said bond shall be limited to the payment of five thousand dollars (\$5,000.00). Said bond shall be conditioned upon the strict compliance, by the principal, with the provisions of this section and the payment of any direct pecuniary loss sustained through any act of grand or petty theft on the part of the principal, by any donor or by any person on whose behalf the funds or personal property were solicited or received by the principal.

(2) Said bond shall remain in force and effect for the entire period of the license. The sureties may cancel said bond and be relieved of further liability thereunder by delivering thirty (30) days written notice to the board. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of said thirty (30) day period.

(3) Any person who sustains any injury covered by said bond may in addition to any other remedy that he may bring an action in his own name upon said bond for the recovery of any damage sustained by him.

(4) Upon such action being commenced, such bond shall not be void upon first recovery thereon, but may be sued upon from time to time until the whole of such penalty shall be exhausted. The board may, in its discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, such professional fundraiser shall file a new bond, and upon failure to file the same within ten (10) days in either case, the board shall forthwith suspend such professional fundraiser's license to solicit.

(5) The time within which any action may be brought against a surety upon any bond filed hereunder may, by express provision of the bond to that effect, be limited to a period of two (2) years from and after the discovery, by the person aggrieved, of the act or default complained of.

(d) Fee. For the filing of such application the applicant shall pay a fee of ~~one hundred dollars (\$100.00)~~ one hundred fifty dollars (\$150) to the board.

(e) The board shall examine such application and may make such further investigation of the applicant as the board deems advisable. The board shall authorize the public safety director or his designee to issue a license to solicit as a professional fundraiser within the city, to every professional fundraiser who complies with the provisions of this section except that the board may refuse to issue a license if during the board's investigation

the board finds any of the following to be true:

- (1) The applicant has insufficient financial responsibility to carry out the obligations incident to any solicitation such applicant may make to persons located within the city as a professional fundraiser;
- (2) Statements made in the application are false;
- (3) The applicant or its officers, agents or members have violated any provisions of this section or engaged any fraudulent transaction;
- (4) That the applicant's planned solicitation would act as a fraud upon the public;
- (5) That the applicant is not registered with the state under the provisions of Chapter 1716 of the Ohio Revised Code.

If the board shall refuse to issue a license to such applicant, it shall notify the applicant in writing of the reasons for such refusal.

(f) Revocation. The board may revoke the license of any professional fundraiser issued under this section if the board finds after a hearing that the professional fundraiser or any agents or professional solicitors employed by the professional fundraiser have violated any provision of [Chapter 525 <>](#) of the Columbus Code. The board shall notify the professional fundraiser in writing the reasons for such revocation. Upon notice of such revocation the professional fundraiser and their employees and agents shall cease soliciting contributions from persons located within the city. A professional fundraiser may appeal the revocation as provided for in C.C. [525.10 <>](#)

(g) Termination. Every such license shall terminate or expire one year from the date of issuance.

(h) Funds. No professional fundraiser shall commingle any contributions with the professional fundraiser's own funds or property, or fail at any time to maintain and keep all contributions separate and apart from the professional fundraiser's own funds or property.

SECTION 2. That Section 589.04 of the Columbus City Code be and is hereby amended to read as follows:

589.04 - License fee.

Every driver of a vehicle for hire shall pay a fee of ~~fifty dollars~~ thirty five (~~\$50.00~~) (\$35.00) with the submission of his or her application. Any applicant who is denied a license shall have this fee returned. Additional administrative fees may be assessed by the Director pursuant to the Director's authority to promulgate rules and regulations under.

SECTION 3. That prior existing sections 525.07, 525.21 and 589.04 are hereby repealed.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.