



Legislation Text

File #: 1589-2017, Version: 1

BACKGROUND

The purpose of this ordinance is to amend Chapter 525 of the Columbus City Codes, pertaining to those individuals and organizations that solicit funds for charity, to fully update provisions of the charitable solicitations code.

The charitable solicitations code underwent its last extensive update several years ago. Since then, the City has identified several parts of the code that could be modernized, as well as certain inefficiencies to be removed.

One of the central changes is the removal of the charitable solicitations board. The City has had great difficulty filling the current five board seats and having a quorum for board meetings. Since currently, the board is responsible for approving all permits for charitable solicitations; this has resulted in a delay in granting permits and renewals. The proposed code changes place this responsibility on the director of public safety, which would make for a more expeditious review of outstanding applications.

Other updates include accounting for new and emerging technologies, as well as changes in the application process to increase efficiency and make it more practical for residents. The code will now consider solicitations via social media and email. Also, the code will make uniform the application deadlines for renewal, as well as eliminate redundancies in the application forms that are already required by the state of Ohio.

Building on Council's past efforts to update the City's licensing code, these revisions further Council's efforts to modernize and streamline the process through which various vendors are regulated, and ensure the health, safety and welfare of Columbus residents.

To amend various sections of Chapter 525 of the Columbus City Codes, updating the provisions for charitable solicitations licensing in the City of Columbus.

WHEREAS, the purpose of the charitable solicitations code is to provide a framework by which individuals and organization can solicit funds for their respective charities from the residents of Columbus; and

WHEREAS, the present code is not adapted for current technology and presents the opportunity to remove inefficiencies; and

WHEREAS, the revised code will allow for a more efficient process for licensing those individuals and organizations that solicit funds for charity, placing the process in the office of the director of public safety; and

WHEREAS, these changes will recognize technological advancements in the industry, eliminate redundancies in the application forms that are already required by the state, and make uniform the application deadlines for renewal; and

WHEREAS, this ordinance builds on Council's efforts to update the City's licensing code, to modernize and streamline

the process through which various vendors are regulated, and ensure the health, safety and welfare of Columbus residents; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 525 of the Columbus City Codes is hereby amended to read as follows:

CHAPTER 525 - CHARITABLE SOLICITATIONS

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) ~~"Board" shall mean the charitable solicitations board, created by C.C. 525.02.~~
- (bA) "Charitable" means any benevolent, philanthropic, patriotic, or educational purpose.
- (eB) "Cost of solicitation" shall means all costs incurred in raising the funds solicited. ~~The "cost of solicitation" shall include any compensation, in whatever form, paid to a "professional fund raiser" 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, the cost of giving or holding such 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. The "cost of solicitation" shall include any compensation, in whatever form, paid to a "professional fundraiser" or "professional solicitor."~~ 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.
- (dC) "Contribution" means the promise or grant of any money or property of any kind or value.
- (eD) "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 ~~thereof~~.
- (fE) "Professional fund raiser" means any person who, for compensation, plans, conducts, manages, or carries on ~~say any~~ 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 ~~holds himself out~~ 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.
- (gF) "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 ~~the person making the same receives~~ any contribution or makes any is received or sale is made.
- (hG) "Fund-raising counsel" means any person who, ~~for compensation,~~ plans, manages, advises, consults, or prepares material for compensation ~~or~~ with respect to the solicitation in Columbus ~~of contributions~~ for any charitable organization. It shall also mean any person(s) who ~~or~~ 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, ~~when the 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 ~~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 ~~his~~ their employer.
- (iH) "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 ~~his~~ their employer.
 - (5) "Fund-raising counsel" as defined in 525.01(~~H~~G).

~~525.02—Charitable solicitations board.~~

~~There is hereby created a charitable solicitations board, which shall consist of five (5) members, who shall be residents of Franklin County. One member of the board is to be appointed annually by the mayor with the advice and~~

consent of the council of the city, for a term of five (5) years to commence the first day of July. For initial appointments, one (1) member shall be appointed for a term of one (1) year, the second member shall be appointed for a term of two (2) years, the third member shall be appointed for a term of three (3) years, the fourth member shall be appointed for a term of four (4) years, and the fifth member shall be appointed for a term of five (5) years, so that the term of each member of the board shall expire at different times.

Any member of the board may be removed by the mayor for inefficiency, neglect of duty, or malfeasance, misfeasance or nonfeasance in office in the manner provided by law for the removal of other public officers. Any vacancy in the office of member of the board, which occurs for any reason, shall be filled by appointment for the unexpired term, as provided for in this section. Selection of the chairman of the board shall be made by the members of the board. Three (3) members of the board shall constitute a quorum for the transaction of business.

The public safety director or his designee shall be the secretary of such board and shall issue all permits required under C.C. 525.03 and C.C. 525.09 as authorized by the board and shall keep a record of all proceedings of such board.

525.032 - Charitable solicitations permit required.

No person shall solicit contributions for any charitable purpose from any person located within the city unless the person for whose benefit the solicitation is conducted has obtained a permit from the ~~board~~ public safety director or their designee. An application for a permit to solicit for charitable purposes shall be made ~~to the board~~ on forms provided by the city. Such application shall be sworn to and filed at least thirty (30) days prior to the time of the contemplated use of the permit. Provided, however, for good cause shown, the ~~board~~ public safety director or their designee may accept an application for a permit less than thirty (30) days before its intended use.

525.043 - Exceptions.

Section 523.032 of the code shall not be applicable in the case of solicitations made:

- (a) By any bona fide, publicly recognized evangelical, missionary, or religious organization or charities, agencies, or organizations operated, supervised, or controlled by such organizations;
- (b) By any college, university or school accredited by a regional accrediting association such as the North Central Association of Colleges and Secondary Schools or approved by the Department of Education of the state of Ohio, or person acting under the auspices of such colleges, universities or schools;
- (c) By an organization where the solicitation is made solely from the membership of said organization;
- (d) By any person requesting contributions for the relief of any individual or family, specified by name at the time of the solicitation, if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary;
- (e) By any person, when contemplated gross contributions of a fund solicitation will not exceed five hundred dollars (\$500.00) in any one year, provided that if gross contributions of such a fund solicitation exceed five hundred dollars (\$500.00), the information required by the provisions of Section 525.06 shall forthwith be filed.

525.054 - Parent organization.

In instances where local units operate through a local parent organization, such as Wings, Twigs, Cancer Rays, Guilds, etc. (the words, "Wings", "Twigs", "Rays", "Guilds", etc. are merely descriptive and not intended to be all-inclusive) and conduct charitable solicitation drives, which would not be regarded as community-wide in scope, the permit obtained by the parent organization will be sufficient, and individual permits by the local units shall not be

required.

525.065 - Form of application.

The application herein required shall contain the following information, where and if applicable, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

- (aA) The name, address, or headquarters of the person applying for the permit;
- (bB) The purpose or purposes for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, the use or disposition to be made of any receipts therefrom, and provision made for the return of funds if the funds cannot be used for the purpose stated;
- (cC) The name and address of the person or persons who will be in direct charge of conducting the solicitation or solicitations and the names of all promoters connected or to be connected with the proposed solicitation or solicitations;
- (dD) An outline of the method or methods to be used in conducting the solicitations;
- (eE) The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of each solicitation;
- (fF) The estimated cost of each solicitation;
- (gG) A financial statement for the last preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and final distribution thereof;
- (hH) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the ~~city~~ City of Columbus or by any department or officer thereof;
- (iI) Such other information as may be reasonably required by the ~~board~~ public safety director or their designee in order ~~for the board~~ to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare;
- (jJ) The amount of the cost of solicitation as a percentage of the gross receipts to be realized by each solicitation.

If, while any application is pending, or during the term of any permit granted thereon, there is any material change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the ~~board~~ public safety director or their designee in writing thereof within seven (7) days after such change.

525.076 - Fee.

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

525.087 - Investigation.

The board shall examine all applications filed under C.C. 525.065 and shall make, or cause to be made, ~~such~~ further investigation of the application and the applicant as ~~the board shall deem necessary in order for them to perform their duties under this chapter~~. Upon request by the board, the applicant shall make available for inspection by the board, or any person designated in writing by the board as its representative for such purpose, all of the applicant's books, records

and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired. ~~The board public safety director or their designee~~ may require a person claiming to be exempt from the provisions of this chapter to ~~appear before the board and~~ present evidence to substantiate its claim of exemption.

525.098 - Issuance of permit.

~~The permit required by C.C. 525.03 shall be issued by the public safety director or his designee as authorized by the board whenever an applicant submits an application complying with C.C. 525.06, except that the board may refuse to authorize the issuance of a permit whenever the board finds~~ The public safety director or their designee may refuse to authorize the issuance of a permit for any and all of the following:

- (aA) That any of the statements made in the application are false;
- (bB) That the applicant has engaged in a fraudulent transaction or enterprise;
- (cC) That the solicitation or solicitations will be a fraud on the public;
- (dD) That the applicant or any professional fund raiser employed by the applicant has violated any provision of this chapter within two (2) years prior to the date of the application;
- (eE) That the applicant or any professional fund raiser employed by the applicant has been convicted of any theft offense within two (2) years prior to the date of the application;
- (fF) That the applicant or any professional fund raiser employed by the applicant has not registered as required by Chapter 1716 of the Ohio Revised Code;

~~If the board finds that section (eE) applies, the applicant shall be permitted to appear before the board public safety director or their designee and to explain why the theft convictions do will not affect the applicant's abilities to carry out the charitable purposes of its organization.~~

~~The board shall file in the office of the public safety director or his designee for public inspection, and the public safety director or his designee shall serve upon the applicant by certified mail, a written statement of the board's finding of facts and the decision which it reaches upon each application.~~

525.095 - Bank deposits.

Repealed by Ordinance 1065-84.

525.10 - Appeal from decision denying permit.

~~If the board public safety director or their designee denies an application, for a permit it they shall notify the applicant of its their decision and the grounds therefore for denial by certified mail. Within five (5) days after the receipt of such notification, the applicant may file a written request for an appeal from said decision, together with exceptions to the grounds upon which the board based its for which the denial of the application was based upon, to the charitable solicitations board of review. The board of review shall be composed of the director of finance and management or his their designee, the city treasurer or his their designee, and the city auditor or his their designee. Upon the filing of such request, the charitable solicitations board of review shall fix a time and place for the hearing, which shall be take place within seven (7) days after the request is filed, and shall notify the applicant thereof. At the hearing on appeal, the applicant may present evidence in support of his their application and exceptions. Any interested person may be allowed to participate in the hearing to present evidence. Within five (5) days after the conclusion of the hearing, the charitable solicitations board of review shall render a written report either granting or denying the application for a permit. In its report, the charitable solicitations board of review shall state the ground grounds upon which its decision is based. The report shall be filed in the safety director or his their designee's office for public inspection and a copy shall be served~~

sent by mail ~~upon~~ to the applicant.

525.11 - Information on permit; term; renewal.

Permits issued under this chapter shall bear the name of the person(s) ~~or persons~~ for whose benefit the solicitation(s) ~~or solicitations~~ are to be made, the number of the permit, the date issued, the date the permit expires, and a statement that the permit does not constitute an endorsement by the city City of Columbus or by any of its departments, officers, or employees ~~of~~ for the purpose ~~or of the person~~ conducting the solicitation.

Permit holders whose name begins with the letters A-B permit to solicit expires each January first. Permit holders whose name begins with the letters C-D permit to solicit expires each February first. Permit holders whose name begins with the letters E-F permit to solicit expires each March first. Permit holders whose name begins with the letters G-H permit to solicit expires each April first. Permit holders whose name begins with the letters I-J permit to solicit expires each June first. Permit holders whose name begins with the letters K-L permit to solicit expires each July first. Permit holders whose name begins with the letters M-N permit to solicit expires each August first. Permit holders whose name begins with the letters O-P permit to solicit expires each September first. Permit holders whose name begins with the letters Q-S permit to solicit expires each October first. Permit holders whose name begins with the letters T-V permit to solicit expires each November first. Permit holders whose name begins with the letters W-Z permit to solicit expires each December first.

For purposes of this section, no permit holder's name shall be considered to begin with the word "The." Permit holders whose permit to solicit is about to expire may apply for a renewal permit at least thirty (30) days in advance of the current permit's date of expiration or a shorter amount of time with approval of the ~~board~~ public safety director or their designee for good cause shown. A renewal permit issued in this manner shall begin on the date of expiration of the old permit. Permits issued ~~in this manner~~ shall be valid for one (1) year from the date of issuance.

Any other permits issued by the ~~board~~ shall be valid only from the date of issuance until the date of expiration mandated by this section for each permit holder. ~~If the board does not or is unable to meet or get a quorum to consider an application for a new permit or a permit renewal prior to the actual holding of the charitable event for which the applicant applies, the public safety director or his designee, upon concurrence of the city attorney, may issue a temporary permit to solicit to the new applicant or permit holder.~~ The standards established in this chapter shall serve as guidance to the public safety director or his their designee in issuing temporary permits. ~~This temporary permit shall last until the board next meets to consider applications for permits.~~

525.12 - Permit nontransferable; return upon expiration.

Any permit issued under this chapter shall be nontransferable and shall be returned to the ~~board~~ public safety director or their designee within seven (7) days of its date of suspension or revocation together with all facsimile copies thereof.

525.13 - Agents and solicitors for permit holders.

Before any agent or solicitor for a permit holder may solicit funds, ~~he~~ they must first obtain, or be provided by the permit holder, an information card, or envelope, or some other evidence of identification, acceptable to the ~~board~~ public safety director or their designee, which must be exhibited upon request when a solicitation is made. Such identification form shall include information as follows:

- (~~a~~A) The name of the permit holder;
- (~~b~~B) A description of the purpose of the solicitation;
- (~~c~~C) The name of the agent or solicitor. No agent or solicitor shall solicit contributions for any charitable

purpose from any person located within the city unless such agent or solicitor has first received said form of identification. ~~Provided, however, no such identification form shall be required when in-plant or in-office solicitations are made among employees for a purpose authorized by an employer. Provided further, that the board shall have the authority to waive all conditions of this chapter upon application of person filing a notice of intention, in respect to identification forms and filing copies of written authorization, when a campaign or drive for raising funds for any charitable purpose is given general publicity through the press or otherwise, and when more than fifty (50) persons serve as solicitors without compensation, if it shall be proved to the satisfaction of the board that the publicity concerning the solicitation fully informs the general public and the persons to be solicited as to the facts regarding such campaign. In addition to the above mentioned provisions, an agent or solicitor of a permit holder shall upon request present to an individual being solicited a driver's license or state ID card issued by the Ohio Bureau of Motor Vehicles.~~

- ~~(D) No such identification form shall be required when in-plant or in-office solicitations are made among employees for a purpose authorized by an employer.~~
- ~~(E) The public safety director or their designee shall have the authority to waive all conditions of this chapter upon application of person filing a notice of intention, in respect to identification forms and filing copies of written authorization, when a campaign or drive for raising funds for any charitable purpose is given general publicity through the press or otherwise, and when more than fifty (50) persons serve as solicitors without compensation, if it shall be proved to the satisfaction of the public safety director or their designee that the publicity concerning the solicitation fully informs the general public and the persons to be solicited as to the facts regarding such campaign.~~

525.14 - Written receipt required.

No person shall solicit any contribution for any charitable purpose unless ~~such person shall be~~ they are prepared ~~upon request to tender to each person making such request a written receipt signed by the solicitor which contains, in addition to a description of the amount and kind of the contribution, substantially the following matters:~~

- ~~(aA)~~ The name of the ~~association~~ charity, if any, in whose name or upon whose behalf the solicitation is made;
- ~~(bB)~~ A statement as to whether the contribution solicited is to be applied for the general purposes of such association, if any, or for specific purposes; ~~and if. If~~ for specific purposes the nature thereof shall be clearly stated;
- ~~(cC)~~ A statement that ~~the identification form issued was presented to the person making the contribution for his perusal prior to receipt, by the solicitor of the contribution received for.~~

~~Provided, however, that no~~ No receipt need be given or tendered if donation of money is made by ~~placing of the same in a sealed envelope or a locked receptacle of a kind previously approved by the board~~ public safety director or their designee, in such manner that it is impracticable to ascertain either the amount donated or the name of the donor. so that either the amount donated or the name of the donor is unknown, or if the amount donated is less than or equal to one dollar (\$1.00)

~~Provided, further, that no receipt need be given for any donation of money in an amount less than one dollar (\$1.00).~~

No person shall solicit any charitable contribution, ~~or any contribution~~ for any real or purported charitable purpose, by means of any box or receptacle in any place immediately abutting upon any public sidewalk or way, or in any place of business ~~open to the public, or in any room, hallway, corridor, lobby, or entranceway, or resort~~ other place open to or accessible to the public, or in any place of public resort, except by the express written permission of the board public safety director or their designee, unless and a permit has been first issued which in the first instance provided for charitable solicitations by a box or receptacle and in this manner. every Every person so soliciting must, ~~in substance,~~ comply with the provisions of this chapter.

No person under the age of fourteen (14) years shall solicit any contribution for any charitable purpose between the

hours of 6:00 p.m. and 6:00 a.m. unless accompanied by a person of the age of sixteen (16) years or more. Such person accompanying persons under the age of fourteen (14) years shall have an identification card as provided in this chapter.

525.15 - Solicitation by radio, television, telephone, social media, telegraph, mail, email, and electronic or written material.

No person shall solicit any contributions by mail, email or any other written or electronically published article, or over radio, television, telephone or telegraph unless such solicitation shall contain the name of the permit holder in whose name the solicitation is being made, the name of the person making the solicitation, if different from the permit holder, and a description of the purposes which the contribution being solicited will be put. When any solicitation is made by telephone, the solicitor shall, upon request, mail provide a ~~written~~ copy of the information required by C.C. 525.13 prior to accepting a contribution from every person who indicates a willingness to contribute.

525.16 - Fraudulent solicitations.

(~~a~~A) No person, agent or solicitor shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation of any contribution for any charitable purpose.

(~~b~~B) No person having entered into an agreement to conduct any charitable solicitation ~~in~~ on behalf of any person for any charitable purpose shall fail to remit or pay to the party entitled thereto the proceeds of such solicitation in accordance with the true terms of the agreement.

525.17 - Revocation of permits.

Whenever the ~~board~~ public safety director or their designee has cause to believe that any person(s) ~~to whom a permit has been issued~~ licensed under this chapter has violated any of the provisions of this chapter; ~~or that any professional fund raiser, agent, or professional solicitor has misrepresented by~~ misrepresenting the purpose of the solicitation, the ~~board~~ public safety director or their designee shall give the permit holder written notice ~~by certified mail or hand delivery~~ of a hearing ~~to which must~~ be held within seven (7) days ~~after notice of such hearing of the notification~~ to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the ~~board~~ public safety director or their designee proposes to suspend or revoke the permit. If, after such hearing, the ~~board~~ public safety director or their designee finds that this chapter has been violated or the purpose of the solicitation has been misrepresented, the ~~board~~ shall within two (2) days after the hearing, file in its office for public inspection and serve upon the permit holder, and all interested persons participating in the hearing, a written statement of the facts upon which the board bases such finding and the permit holder and all interested persons participating in the hearing shall be notified within two (2) days with a written statement of the facts, and the public safety director or their designee shall immediately revoke or suspend the permit. The board shall make known to the public by radio, television or the press the fact that the said permit has been revoked or suspended. Upon action being taken by the board to suspend or revoke a person's permit, the person thus affected shall have the right of appeal, notify the public, and advise those affected to their right of appeal in the same manner as provided for in C.C. 525.10.

525.18 - Notice of suspension or revocation of permit to chief of police.

The chief of police shall be notified ~~forthwith~~ by the ~~board~~ public safety director or their designee of the suspension or revocation of any permit issued under this chapter.

525.19 - Books and records of permit holders.

No person shall solicit any contribution for any charitable purpose without maintaining a system of accounting, approved by the ~~board~~ public safety director or their designee, whereby all donations to it and all disbursements are entered upon the books or records ~~of such person~~.

525.20 - Report required from permit holder.

It shall be the duty of all persons issued permits under this chapter ~~to furnish to the board by March 1 of every year to provide yearly, at the time of their renewal,~~ a detailed report and financial statement showing the amount ~~raised through charitable solicitations of funds raised,~~ the amount expended in collecting such funds, including any ~~and all~~ compensation paid to any professional fund raiser(s) ~~in connection with such solicitations,~~ and the disposition of the balance of the funds collected by all such solicitations ~~during the immediately during the preceding (fiscal) year.~~ If compliance with the provisions of this section by March 1 is impractical, then all persons ~~required to submit a report by this section shall submit to the board a copy of the person's a report required by this section for the last available (fiscal) year and a report showing the same estimated amounts shall be submitted.~~ raised through charitable solicitations during the immediately preceding fiscal year; the estimated amounts expended in collecting such funds, amounts paid to any professional fund raisers in connection with each solicitation, and the estimated remaining funds and their disposition. Each person making an estimated report to the board in lieu of the report required by this section shall furnish the board with the ~~final detailed report required by this section, no later than the following December 1.~~

~~For good cause shown, this~~ This report shall be available to the board public safety director or their designee or to any person designated in writing by the board as its representative for such purpose, all books, records, and papers whereby the accuracy of the report required by this section may be checked.

525.21 - Professional fundraisers.

(~~a~~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 public safety director or their designee~~ to do so.

(~~b~~B) Application. To obtain such license, such professional fund raiser shall make and file ~~with the board~~ an application therefor in writing. ~~In such application, the applicant shall set forth, in addition including but not limited to such information as may be required by the board public safety director or their designee:~~

- (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~~ their 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(s) ~~or organizations~~ employing it.

(~~e~~C) Bond.

- (1) At the time of so filing with the ~~board~~ public safety director or their designee 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. ~~The bond must be 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 of Ohio.~~ The total aggregate liability ~~on said bond~~ shall be limited to the payment of five thousand dollars (\$5,000.00). ~~Said bond, and shall be conditioned upon the strict compliance, by the principal,~~ and the payment Payment of any direct ~~pecuniary~~ financial 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~~ The 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 public safety director or their designee. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of said the thirty (30) day period.
 - (3) Any person who sustains any injury covered by ~~said the bond~~ may ~~in addition to any other remedy that he may have bring an action in his their own name upon said against the bond for the recovery of any damages sustained by him incurred.~~
 - (4) Upon such action being commenced, such bond shall not be void ~~upon after the first recovery thereon,~~ but may be sued upon ~~from time to time~~ until the whole of such penalty ~~shall be is~~ exhausted. ~~The board public safety director or their designee 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 public safety director or their designee shall forthwith suspend such professional fundraiser's the 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, shall be limited to a period of two (2) years from and or after the discovery, by the person aggrieved, of the act or default complained of complaint.~~
- (dD) Fee. For the filing of such application the applicant shall pay a fee of one hundred fifty dollars (\$150.00) to the board public safety director or their designee.
- (eE) The board public safety director or their designee shall examine such application and may ~~make such conduct~~ further investigation of the applicant as ~~the board deems advisable if needed.~~ The board public safety director shall authorize the public safety director or his their designee to issue a license to solicit as a professional fundraiser within the city, to every professional fundraiser person or organization who that 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 is found 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 public safety director or their designee shall refuses to issue a license to such applicant, it shall notify the applicant in writing of the reasons for such refusal.
- (fF) Revocation. The board public safety director or their designee may revoke the license of any professional fundraiser issued under this section if, ~~the board finds after a hearing, it is found~~ 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 public safety director or their designee 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.

(gG) Termination. Every such license shall terminate or expire ~~one year from the date of issuance~~ on December 31st of the year of issuance.

(hH) 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.

525.22 - Severability clause.

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. This declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the provisions are severable.

525.23 - Soliciting charitable contributions in roadway without permit.

(aA) 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.

(bB) Whoever violates this section is guilty of a misdemeanor of the third degree.

(cC) 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, ~~has~~ 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 in the roadway.

(aA) The ~~charitable solicitations board~~ public safety director or their designee shall issue a permit to solicit contributions on a street, alley, highway or roadway from the driver or occupants of a vehicle when all requirements of paragraph (bB) of this section have been met. There shall be no charge for permits issued under this section.

(bB) Certain charitable organizations may apply for and obtain a permit to solicit contributions 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 ~~charitable solicitations board~~ public safety director or their designee as follows:

(1) The ~~charitable solicitations board~~ public safety director or their designee shall ~~prescribe~~ approve a form and receive applications to solicit contributions 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 currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Section 501(C)(3) of the Internal Revenue Code, ~~as amended.~~ Said Internal Revenue Service ruling or determination, which must be attached to the approved application ~~prescribed by the charitable solicitations board.~~

(3) ~~An~~ The application ~~to solicit in the street, highway or roadway~~ shall state the date and times for ~~which the permit~~

is sought. A permit under this section ~~the solicitations and~~ shall not be issued to a charitable 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. ~~on that date~~ or during daylight hours on such date.

- (4) The application to solicit ~~in the street, highway or roadway~~ shall specify the locations or intersections ~~for which the permit is sought~~, and shall list the names and addresses of all agents authorized to solicit on behalf of the organization.
- (5) The application shall be accompanied by a paid up 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 organization for any and all claims that may arise as a result of soliciting contributions in the street, alley, highway or roadway, and ~~which insurance policy~~ contains a clause that names the city and its officers, agents or employees as an additional named insured under ~~such~~ the policy.
- (6) The application may be accompanied by a statement ~~from the safety director and service director~~ that the proposed solicitation ~~in the street, highway or roadway~~ at the specified locations on the date stated in the permit will not cause excessive traffic congestion or hazards and does not conflict with a previously issued parade permit or scheduled public event. The ~~charitable solicitations board~~ public safety director or their designee must make both an inquiry and a determination on those subjects prior to the issuance of a permit ~~and conclude that with or without such letters, the proposed solicitation in the street, highway or roadway will not cause excessive traffic congestion or hazard and does not conflict with a previously issued parade permit or scheduled public event.~~
- (7) The chief of the division of police shall be provided a copy of the application, permit, and names of the agents of an organization that is issued a permit under this section. All agents soliciting contributions ~~pursuant to a permit issued under this section~~ shall possess a copy of such permit with them during the period of such solicitation.
- (c) After charitable solicitations have been conducted, ~~pursuant to a permit issued under this section~~ a the permit holder shall notify the ~~charitable solicitations board~~ public safety director or their designee within sixty (60) days ~~thereafter~~ of conclusion of the net proceeds resulting from ~~such~~ the solicitation.

SECTION 2. That existing Chapter 525 of the Columbus City Codes is hereby repealed and replaced as provided herein.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.