

ORDINANCE NO. 2053

AN ORDINANCE relating to Charitable Solicitations; amending Ordinance 1603, Section 1 and K.C.C. 6.76.010; Ordinance 1603, Section 3 and K.C.C. 6.76.030; Ordinance 1603, Section 7 and K.C.C. 6.76.070, Ordinance 1603, Section 8 and K.C.C. 6.76.080; and Ordinance 1603, Section 9 and K.C.C. 6.76.090

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1603, Section 1 and K.C.C.6.76.010 are hereby amended to read as follows:

Definitions. The following words and terms, unless a different meaning clearly appears from the context, shall mean as follows:

(1) "Charitable" means and includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported; provides, such term shall not include "religious" and "religion", which terms shall be given their commonly accepted definitions;

(2) "Contributions" means and includes alms, food, clothing, money, credit, subscription, property, financial assistance or other thing of value and including any donations under the guise of a loan of money or property;

(3) "Direct gift" means and includes an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return;

(4) "Director" means the manager of the business license division of general services of the county of King;

(5) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof;

1 (6) "Promoter" means any person who promotes, manages, super-  
2 vises, organizes or attempts to promote, manage, supervise or  
3 organize a campaign of solicitation, but shall not include either  
4 a bona fide full time salaried officer or employee of a charitable  
5 organization whose salary or other compensation is not computed  
6 on funds raised or to be raised ((+)), or a temporary employee who  
7 is employed to contact volunteer workers by telephone but who may  
8 not himself solicit contributions directly;

9 (7) "Sale and benefit affair" means and includes, but is not  
10 limited to, athletic or sports event, bazaar, benefit, campaign,  
11 circus, dance, drive, entertainment, exhibition, exposition, party,  
12 performance, picnic, sale, social gathering, theater or variety  
13 show which the public is requested to patronize or attend, or to  
14 which the public is requested to make a contribution for any  
15 charitable or religious purpose connected therewith;

16 (8) "Solicit" and "solicitation" mean the request within the  
17 county directly or indirectly of money, credit, property, financial  
18 assistance or other thing of value on the plea or representation  
19 that such money, credit, property, financial assistance or other  
20 thing of value will be used for a charitable or religious purpose,  
21 and include:

22 (A) Any oral or written request,

23 (B) The distribution, circulation, mailing, posting or  
24 publishing of any handbill, written advertisement or publication,

25 (C) The making of any announcement to the press, by radio or  
26 television, by telephone or telegraph concerning an appeal,  
27 assemblage, athletic or sports event, bazaar, benefit, campaign,  
28 circus, contest, dance, drive, entertainment, exhibition,  
29 exposition, party, performance, picnic, sale, social gathering,  
30 theater or variety show, which the public is requested to  
31 patronize or to which the public is requested to make a contribu-  
32 tion for any charitable or religious purpose connected therewith,  
33

1 (D) The sale of, offer or attempt to sell any advertisement,  
2 advertising space, book, card, chance, coupon, device, magazine,  
3 membership, subscription, ticket, admission, article or other  
4 thing in connection with which any appeal is made for any  
5 charitable or religious purpose, or where the name of any  
6 charitable or religious organization, association or person is  
7 used or referred to in any such appeal or where in connection with  
8 any such sale, any statement is made that the whole or any part  
9 of the proceeds from any such sale will go or be donated to any  
10 charitable or religious purpose.

11 A "solicitation" as defined herein shall be deemed completed  
12 when made, whether or not the person making the same received any  
13 contribution or makes any sale referred to in this section.

14 SECTION 2. Ordinance 1603, Section 3 and K.C.C. 6.76.030  
15 are hereby amended to read as follows:

16 Permit - Required - Exemptions. It is unlawful for any  
17 person to solicit contributions for any charitable purpose within  
18 the county of King without a "charitable solicitation permit"  
19 issued by the director authorizing such solicitation; provided,  
20 however, that the provisions of this section shall not apply to:

21 (1) Solicitations by any organization operated exclusively  
22 for religious or charitable purposes and not operated for the  
23 pecuniary profit of any person, if the solicitations by such  
24 organization are conducted among the members thereof by other  
25 members or officers thereof, voluntarily and without remuneration  
26 for making such solicitations, or if the solicitations are in the  
27 form of collections or contributions at the regular assemblies,  
28 meetings or services of any such organization;

29 (2) Any charitable organization which does not solicit and  
30 collect contributions in this county in excess of two thousand  
31 five hundred dollars in any one year period all of such fund  
32 raising functions are carried on by persons who are unpaid for  
33 their services.

1            SECTION 3. Ordinance 1603, Section 7 and K.C.C. 6.76.070  
2 are hereby amended to read as follows:

3            Permit - Issuance. (a) The director shall issue the permit  
4 provided for in Section 6.76.030 whenever he finds the following  
5 facts to exist:

6            (1) That all of the statements made in application are true;

7            (2) That the applicant and the officers of the organization  
8 on whose behalf charitable solicitations are to be made and all  
9 persons supervising the solicitations and any promoters connected  
10 therewith shall not, to the knowledge of the applicant and/or  
11 promoter have had a record of arrest and conviction with any  
12 federal or state law enforcement agency involving misstatement,  
13 misrepresentation, deception or fraud;

14            (3) That the control and supervision of the solicitation will  
15 be under responsible and reliable persons;

16            (4) That the applicant (and if not an individual, the  
17 officers, agents or promoters) has not engaged in any fraudulent  
18 transactions or enterprises;

19            (5) That the proposed solicitation will be conducted to  
20 finance the charitable cause described in the application, and not  
21 for purposes of private gain;

22            (6) That the cost of raising the funds will not exceed twenty  
23 percent of the total gross amount to be raised by direct gifts, or  
24 fifty-five percent of the total gross amount to be raised by sale  
25 and benefit affairs; and that in either case all wages, fees,  
26 commissions, salaries or emoluments paid or to be paid to all  
27 salesmen, solicitors, collectors, conductors and managers will not  
28 exceed twenty percent of the total gross amount collected;

29            (7) That the method or methods for solicitation outlined in  
30 the application do not include any of the following methods of  
31 solicitation:

1 (A) Charitable solicitations by children under fourteen years  
2 of age where the children will be paid for such solicitation or  
3 retain a portion of the solicited funds. This prohibition shall  
4 not apply where both of the following exist:

5 (i) The children are members of the organization for whose  
6 benefit the solicitation is made and

7 (ii) All funds so solicited, less permissible costs, shall be  
8 expended locally and solely for the direct benefit of children in  
9 such organization,

10 (B) Delivery by mail or otherwise of any unordered merchandise,

11 (C) Solicitation by means of coin or currency boxes or  
12 receptacles except:

13 (i) When each such box or receptacle shall be the respon-  
14 sibility of a bona fide member, agent or solicitor of the  
15 soliciting organization and

16 (ii) When such responsible person shall be required to pick  
17 up each such box or receptacle at the end of the solicitation  
18 period

19 (iii) When the use of such boxes and receptacles in the  
20 solicitation is expressly authorized by the director.

21 (8) That the person or organization has tax exempt status  
22 from the government of the United States.

23 (b) The director may request the director of the department  
24 of public safety to investigate the truth of statements in the  
25 application and all other matters which tend to aid the director  
26 in determining whether to grant the permit. The director of the  
27 department of public safety shall report to the director any  
28 reasons he may have for objecting to the granting of a permit.

29 (c) The director is authorized to make and enforce rules and  
30 regulations, not inconsistent with the provisions of this chapter,  
31 and it is unlawful to violate or not to comply with any of the  
32 rules and regulations. All of such rules and regulations as  
33 promulgated by the director from time to time shall be reduced

1 to writing and shall be made available to applicants under this  
2 chapter.

3 SECTION 4. Ordinance 1603, Section 8 and K.C.C.6.76.080 are  
4 hereby amended to read as follows:

5 Permit - Fees. There shall be paid to the division of the  
6 comptroller of the county of King, the fees set forth below:

7 For charitable solicitation permit where  
8 no persons soliciting will be paid for such  
9 solicitation or retain a portion of solicited  
10 funds, excepting those charitable organizations  
11 employing bona fide full time salaried officers  
12 or employees to supervise such solicitation: . . . ((~~\$10.00~~)) \$25.00

13 For charitable solicitation permit where  
14 independent solicitors, promoters or profes-  
15 sional fund-raising organizations will be paid  
16 or retain a portion of the solicited funds: . . . . . \$500.00

17 For filing appeal: . . . . . \$10.00

18 SECTION 5. Ordinance 1603, Section 9 and K.C.C. 6.76.090 are  
19 hereby amended to read as follows:

20 Permit - Term. All charitable solicitation permits issued  
21 under this chapter shall be dated and shall bear the name and  
22 address of the person to whom issued and of the organization on  
23 whose behalf solicitation may be done and shall be valid for  
24 one year from date of issue. ((~~the time certain stated on its~~  
25 ~~face, which shall not exceed one hundred twenty days, except that~~  
26 ~~the director may issue a permit good for one full year to appli-~~  
27 ~~cants who apply for same and meet the following standards:~~

28 ~~(1) The applicant is an organization, as distinguished from~~  
29 ~~an individual and maintains a regular office in King County.~~

30 ~~(2) The applicant has qualified as a charitable organization~~  
31 ~~under the provisions of section 501c(3) of the Internal Revenue~~  
32 ~~Code.~~

1 (3)-The-applicant-performs-its-charitable-purposes-and  
2 engages-in-charitable-solicitation-throughout-King-County-and/or  
3 the-State-of-Washington-and-has-done-so-for-a-period-of-at-least  
4 three-years-prior-to-the-effective-date-hereof.

5 (4)-The-financial-books-and-records-of-the-applicant-are  
6 certified-on-an-annual-basis-by-an-independent-certified-public  
7 accountant:))

8 If an annual permit is applied for and denied, the applicant  
9 shall be entitled to a public hearing in the manner set forth in  
10 Section 13 of this ordinance. Such permits shall not be  
11 transferable and shall state that the same is not an endorsement  
12 by King County for the purpose of the solicitation or of the  
13 person making the same.

14 INTRODUCED AND READ for the first time this 6th day of  
May, 1974.

15 PASSED this 24th day of June, 1974.

16 KING COUNTY COUNCIL  
17 KING COUNTY, WASHINGTON

18 VICE

19 Chairman

20 ATTEST:

21 Shirley Chamberlain  
22 Clerk of the Council ACTING

23 APPROVED this 2d day of July, 1974.

24 [Signature]  
25 King County Executive