

ORDINANCE NO. 2241

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES.

WHEREAS, the City Council of the City of Kirkland finds that numerous persons have been and are soliciting funds and property in the city of Kirkland on the representation that such funds are to be used for charitable and religious purposes, when in truth and in fact such funds and property are being used wholly or in large part for the private profit of the individuals promoting such solicitation; that a great variety of frauds and misleading devices are employed in such solicitations; that deliberate imitations of the names, slogans and familiar devices of great and worthy charitable and religious organizations are fraudulently imposed upon the public, and

WHEREAS, the legislature of the State of Washington has enacted a statute regulating such solicitation and requiring registration of persons and organizations conducting charitable solicitation campaigns,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. It shall be unlawful for any person to solicit contributions for or on behalf of any charitable organization (not exempt from registration and regulation pursuant to Chapter 13, Laws of 1973, 1st Ex. Session) within the city of Kirkland without having on or about his immediate person the identification card required by Section 18, Chapter 13, Laws of 1973, 1st Ex. Session.

Section 2. It shall be unlawful for any charitable organization or any professional fund raiser or solicitor to carry on a solicitation for charitable contributions for or on behalf of any charitable organization within the city of Kirkland without having first filed its registration statement with the Department of Motor Vehicles as required by Chapter 13, Laws of 1973, 1st Ex. Session.


Section 3. Definitions for the following words and phrases as set forth in Section 2, Chapter 13, Laws of 1973, 1st Ex. Session, are hereby incorporated by reference: "Charitable organization", "Contribution", "Person", "Professional Fund Raiser", "Professional Solicitor", "Sale and benefit affair", and "Solicitation".

For the purposes of this ordinance, a charitable solicitation by telephone call shall be deemed to have occurred within the City, if either the telephone from which the call is made, or the telephone to which the call is placed is located within the City of Kirkland.

Section 4. This ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.


PASSED by the Kirkland City Council in regular meeting on the 19th day of November, 1973.

SIGNED in authentication thereof on the 19th day of November, 1973.



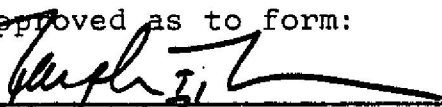
Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:



City Attorney



CITY OF KIRKLAND POLICE DEPARTMENT

207 CENTRAL WAY

KIRKLAND, WASHINGTON 98033

VA 2-1244

October 31, 1973

TO: City Council
FROM: Kirkland Police Department
SUBJECT: Environmental Assessment

A. The Proposed Action

1. Describe the proposed action. (Indicate what the legislation or policy is for.)

Answer: An ordinance be enacted within the city to provide a means to control solicitation for funds through fund drives, benefits, promotions, sales, etc. Many of these activities under the guise of benevolent, charitable religious functions are of questionable validity and the many methods that are employed make controls essential.

2. Justification for the proposed action. (An example of a justification could be that it is a state requirement or a type of action needed for adequate controls over various elements in the City.)

Answer: The proposed ordinance simply brings the State Law, Chapter 13, Laws of 73, 1st ex-session Senate Bill 2525 into play on a city level. The referenced Bill essentially requires of an organization disclosure of facts relating to persons and organizations who solicit funds from the public for public charitable purposes and their actual uses. Machinery within the Bill

sets up through the professional licensing division at the state level, a method in which these organizations or individuals must register and meet specific criteria. Should the application meet the provisions and is acceptable, the director shall issue an identification card which will allow the following information:

- 1) Name of the charitable organization for which the contributions are being solicited.
- 2) Statement that the charitable organization has filed a registration statement with the director and the date such was filed.
- 3) Such other information from the registration statement as may be required by reasonable rule or regulation of the director for the protection of the public.

The card shall be exhibited to any person from whom a contribution is requested or on demand to any police officer or law enforcement officer. We are by Ordinance adopting the definitions of the state act, requiring prior registration with the named state agency. That the person have in his possession the identifica-

tion form so described, and that we will provide the same exemptions outlined in the state act, i.e., solicitation within organizations by its members, collections for relief or disaster funds in emergencies, and so forth.

3. Historical background. (This could state the various types of legislation or policies that are related or caused the initiation of this action.)

Answer: Since charitable fund raising employs a variety of methods, historically schemes of device and fraud are often buried in their concept. Therefore, it appears the safeguard of this regulation is in the best interest of the citizen and its screening device will offer a good degree of protection in misleading or fraudulent schemes.

4. Public participation. (Hearings that will be held on it or any controversy that is developing.)

Answer: Not applicable.

5. Relationship with existing laws, policies and plans. (This could relate to both federal, state or local.)

Answer: Not applicable.

6. Actions/decisions remaining for implementation. (Council's action, state approval, etc.)

Answer: Council action will be required.

7. Is this an independent action or an initial step or steps in a larger project? (Will this action

cause other actions not proposed here to occur at a later date?)

Answer: No.

8. Please indicate how much planning has taken place on this proposal to date. (This may also include planning by others than the City of Kirkland.)

Answer: Planning involved research with association of Washington cities on existing related laws, evaluation of other county and city ordinances and conferences with the City Attorney.

B. Existing Conditions

1. Please indicate the existing legislation, if any, that covers the subject matter under this proposal.
2. Discuss the existing condition that exists in the community due to the existing legislation. (Inadequate fire services, police services, etc.)
3. Please describe any other existing conditions which are in existence because of the existing legislation.

Answer: Items 1, 2, and 3 of the Proposed Action (section A) statements should amply answer questions in this category. However, Section 11.48.030 of K.M.C. may in some way be applicable in this area to the extent it prohibits solicitation for orders for sale of goods, wares and merchandise at private residences within the City. Some question may be involved here, however, the City Attorney is of the opinion that intent and application of this Ordinance is different.

C. Environmental Impact of the Proposed Action

It appears the only applicability to this section is that the intent of the Ordinance is to stop the fraudulent activities often associated with solicitations within our environment.

D. Alternatives to the Proposed Action

1. Please indicate in this section the possible alternative actions that could be taken in lieu of the one proposed herein. Attempts should be made in this section to evaluate the different alternatives and an indication made as to why the one proposed in this assessment is the most desirable. This should also consider the "no action" alternative.

Answer: Research indicates this to be a logical approach to the problem and will provide adequate solution.

E. Short Term Use vs. Long Term Productivity

1. Please indicate in this action whether this legislation is for short term use or if it is intended to be a long run project.

Answer: Recommend permanent enactment with availability to make amendment changes where and when necessary.


F. Irreversible Commitments

1. Please indicate here whether the proposed legislation or action carries any irreversible commitments which limits future actions. (Once the course of action has been taken, can it be reversed?)

Answer: Ordinance is reappealable and subject to change.

I hereby certify that the information furnished in this environmental information worksheet is true and accurate to the best of my knowledge.


(Prepared by) Signature


Date

ACTION BY RESPONSIBLE OFFICIAL:

1. Staff review determined that:

VHD

The project has no significant environmental impact and application should be processed without further consideration of environmental effects.

The project has significant environmental impact and a complete environmental impact statement must be prepared prior to further action on request for action.



Signature of Responsible Official

11/7/73
Date

2. Comments:

3. Type of Action:

Passage by City Council