

ORDINANCE 2963

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CHARITABLE SOLICITATIONS AND AMENDING CHAPTER 7.56 OF THE KIRKLAND MUNICIPAL CODE

Section 1. Section 7.56.010 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.56.010 Definitions.

The following words and phrases shall, for the purposes of this chapter, carry the same meaning as set forth in RCW 19.09.020:

"Charitable organization", "contribution", "cost of solicitation", "person", "independent [~~"professional~~] fundraiser", [~~"professional solicitor~~"] and "solicitation".

Section 2. Section 7.56.020 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.56.020 Registration with Secretary of State required.

It is unlawful for any charitable organization, or any [~~professional~~] independent fundraiser or solicitor, to carry on a solicitation for charitable contributions for or on behalf of any charitable organization within the city, without having first filed with the Washington Secretary of State's office, its registration statement and disclosure requirements, unless qualified as exempt therefrom, all as required by RCW Chapter 19.09.

Section 3. Section 7.56.030 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.56.030 Additional local regulations authorized by RCW 19.09.100 (7)[~~(2)~~].

A charitable solicitation to be conducted within the city shall conform to the following:

(1) Before commencing any charitable solicitation campaign, the person or organization soliciting such charitable contributions shall file with the department of administration and finance the following information:

(A) The beginning and estimated ending date for the solicitation campaign;

(B) The name, address and telephone number of the person or organization conducting the campaign, or making the solicitation for charitable contributions;

(C) A verification of the registration and filing of disclosure documents required by RCW Chapter 19.09, or, in the alternative, verification of exemption therefrom;

(D) The name of each person who will be acting as a charitable solicitor, or, in the alternative, a facsimile copy of the solicitor's identification, if such identification is to be furnished, by the organization conducting the campaign, to each of its individual solicitors.

(2) Each person or organization soliciting charitable contributions shall disclose verbally or in writing to each person or organization solicited:

(A) The name of the individual making the solicitation;

(B) The name of the charitable organization;

(C) The purpose of the solicitation and the name of the organization that will receive the funds contributed; and

(D) Whether the charitable organization is or is not properly registered under this chapter, and if registered, that information relating to its financial affairs is available by contacting the office of the secretary of state, giving the secretary's toll-free telephone number, if available.

(3) Each person or organization soliciting charitable contributions shall conspicuously disclose in writing to each person or organization solicited:

(A) If the solicitation is conducted by a charitable organization, the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the organization, as contained in the organization's most recent solicitation report filed in accordance with RCW 19.09.075(7);

(B) If the solicitation is conducted by an independent or nonprofit fund raiser, the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the independent or nonprofit fund raiser, as contained in the fund raiser's most recent solicitation report filed in accordance with RCW 19.09.079(7) or Section 6 of this act.

(4) Each person or organization soliciting charitable contributions by telephone shall make the disclosures required by RCW 19.09.100(2)(a) or (b) in writing within five days of the receipt of any contribution. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in RCW 19.09.100(1)(d), and 19.09.100(2)(a) or (b), whichever is applicable.

(5) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(A) The charitable contribution is tax deductible

unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(B) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(C) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by an independent fund raiser.

(6) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government.

(7) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

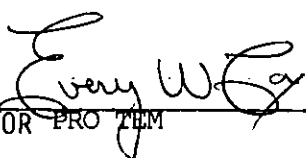
[Upon request, the estimated percentage of the money collected which will be applied to the cost of the solicitation or to the charitable purpose.]

(8) [(3)] For the purposes of this chapter, 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.


Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 7th day of July, 1986

Signed in authentication thereof this 7th day of July, 1986.

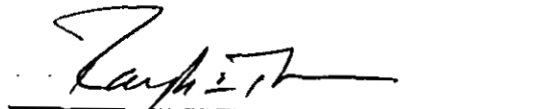

MAYOR PRO TEM

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



CITY ATTORNEY

SUMMARY OF Ordinance 2963

AN Ordinance OF THE CITY OF KIRKLAND RELATING TO CHARITABLE SOLICITATIONS AND AMENDING CHAPTER 7.56 OF THE KIRKLAND MUNICIPAL CODE

Section 1. Amends Section 7.56.010 definitions which incorporates by reference the definitions contained in RCW 19.09.020 as amended by Chapter 230, Washington laws of 1986.

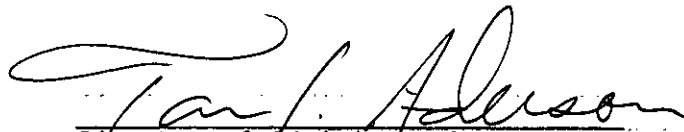
Section 2. Amends Section 7.56.020 to delete reference to "professional fundraiser" and to include "independent fundraiser".

Section 3. Expands the information which must be provided by a charitable solicitor to the person being solicited to include the information so required by Chapter 230, Washington laws of 1986.

Section 4. Authorized publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.17 Kirkland Municipal Code and established the effective date as five (5) days after summary publication.

The full text of this Ordinance will be mailed without charge to any person upon request made to the Director of Administration and Finance for the city of Kirkland. The Ordinance was passed by the Kirkland City council at its regular meeting on the 7th day of July, 1986.

I certify that the foregoing is a summary of Ordinance 2963 approved by the Kirkland city Council for summary publication.



Director of Administration
and Finance (ex officio City Clerk)