

**OFFICE USE ONLY**

DATE RECEIVED	_____	AMOUNT RECEIVED	_____
NEW REGISTRATION	_____	CASH	_____
RENEWAL REGISTRATION	_____	CHECK	_____
REGISTRATION NO.	_____	CHECK NO.	_____
REGISTRATION EXPIRATION	_____	RECEIPT NO.	_____
ANNUAL PERMIT	_____	NON-ANNUAL PERMIT	_____

**APPLICATION FOR CHARITABLE SOLICITATIONS CAMPAIGN PERMIT**

**CHARITABLE ORGANIZATION OR BENEFIT CHARITY INFORMATION:**

1. \_\_\_\_\_  
NAME OF ORGANIZATION OR BENEFITING CHARITY  
  
MAILING ADDRESS \_\_\_\_\_ STREET ADDRESS \_\_\_\_\_  
  
CITY, STATE, ZIP CODE \_\_\_\_\_ CITY, STATE, ZIP CODE \_\_\_\_\_  
  
TELEPHONE NO. \_\_\_\_\_
2. \_\_\_\_\_  
NAME OF PARENT ORGANIZATION (IF APPLICABLE)  
  
MAILING ADDRESS \_\_\_\_\_ CITY, STATE, ZIP CODE \_\_\_\_\_
3. FISCAL YEAR: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ TO \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**CAMPAIGN CONTACT PERSON INFORMATION:**

4. \_\_\_\_\_  
NAME OF CAMPAIGN CONTACT PERSON TITLE  
  
MAILING ADDRESS \_\_\_\_\_ CITY, STATE, ZIP CODE \_\_\_\_\_  
  
TELEPHONE NO. \_\_\_\_\_

**CAMPAIGN INFORMATION:**

5. \_\_\_\_\_  
PURPOSE OF COLLECTED FUNDS

6.A. \_\_\_\_\_ TELEPHONE NO. (include area code)  
NAME OF PERSON TO DISBURSE FUNDS

6.B. \_\_\_\_\_ TELEPHONE NO. (include area code)  
NAME OF PERSON TO DISBURSE FUNDS

7. \_\_\_\_\_  
CAMPAIGN METHOD

8. \_\_\_\_\_ CAMPAIGN ENDING DATE  
CAMPAIGN BEGINNING DATE

9A. \_\_\_\_\_ ARE CAMPAIGN CONTRIBUTIONS  
TOTAL AMOUNT OF ESTIMATED TAX DEDUCTIBLE FOR FEDERAL  
FUNDS TO BE SOLICITED INCOME TAX PURPOSES?  
YES \_\_\_\_\_ NO \_\_\_\_\_

9B. \_\_\_\_\_  
MAXIMUM % OF ESTIMATED FUNDS SOLICITED TO BE PAID FOR COST OF  
PROMOTION OF CAMPAIGN (IF APPLICABLE).

10. \_\_\_\_\_ TELEPHONE NO. (include area code)  
NAME OF PROFESSIONAL  
PROMOTER/SOLICITOR

\_\_\_\_\_ CITY, STATE, ZIP CODE  
MAILING ADDRESS

11. \_\_\_\_\_  
PROFESSIONAL PROMOTER'S FEE

**Note: If professional promoter is used, copy of contract with promoter must be attached to application.**

**PLEASE READ THE ENCLOSED ARTICLE IV OF THE CITY OF LUBBOCK CODE OF ORDINANCES FOR DEFINITIONS AND REQUIREMENTS CONCERNING CHARITABLE SOLICITATIONS.**

**CHECKLIST:**

**NEW PERMIT APPLICATIONS MUST INCLUDE:**

- Charitable Solicitation Campaign Permit Form (City Secretary) \_\_\_\_\_
- Determination Letter for 501(c) Exempt Status (IRS) (non-profits) \_\_\_\_\_
- Letter(s) of Authorization from Benefiting Charity(s) \_\_\_\_\_
- Professional Promoter/Solicitor Contract (copy) (if applicable) \_\_\_\_\_
- Initial Registration Fee of \$20.00 \_\_\_\_\_
- Financial Statement must accompany application** \_\_\_\_\_

**RENEWAL PERMIT APPLICATIONS MUST INCLUDE:**

- Charitable Solicitation Campaign Permit Form (City Secretary) \_\_\_\_\_
- Letter(s) of Authorization from Benefiting Charity(s) \_\_\_\_\_
- Professional Promoter/Solicitor Contract (copy) (if applicable) \_\_\_\_\_
- Renewal Registration Fee of \$15.00 \_\_\_\_\_
- Financial Statement must accompany application** \_\_\_\_\_

**OATH:**

I acknowledge that said organization has not failed to keep or observe any promised agreement, representation or commitment with regard to the allocation of funds, or methods of solicitation made to the City of Lubbock in connection with any previous charitable solicitations permit.

I also acknowledge that said organization does not intend to use a charitable solicitation permit as a means of selling private merchandise or promoting personal or commercial interests, and that such solicitation and the method used in the conduct thereof may jeopardize the health, life and property of the citizens of the City of Lubbock.

I also acknowledge that if the terms and conditions as set forth in the Code of Ordinances of the City of Lubbock are not met, that the organization's solicitation permit is subject to revocation as provided.

\_\_\_\_\_  
SIGNATURE OF CAMPAIGN CONTACT PERSON

Subscribed and sworn to before me, a Notary Public, on this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**Applications must be complete and with required supporting documents prior to being considered for processing by the Office of the City Secretary.**

# LUBBOCK CODE

## ARTICLE IV.

### SOLICITATIONS FOR CONTRIBUTIONS\*

#### Sec. 20-46. Purpose and intent of article.

The purpose of this article is regulatory so as to generally require registration and identification of persons soliciting or selling on behalf of charitable, educational, patriotic or philanthropic organizations; and insofar as is reasonably possible by the method herein established, to protect the health, life, property and welfare of the citizens of the city against unwarranted and unreasonable solicitations and sales scheme promotions deigned for profit primarily to the promoters, and secondarily to any such organization which may lend its name for such purpose; to lessen the possibility of unauthorized or unscrupulous persons overriding, over-soliciting or overselling by coupling such solicitations and sales with such organizations; and to establish a licensing officer and designate a location where members of the public may make inquiry concerning such solicitors. (Ord. No. 8872, § 1, 1-9-86)

#### Sec. 20-47. Definitions.

In this article:

- (1) Charitable, educational, patriotic or philanthropic purpose shall mean the use, actual or represented, of money or property for any of the following purposes:
  - a. For the benefit of any poor, underprivileged, needy, sick, or handicapped person;
  - b. For patriotic purposes such as the teaching of patriotism;
  - c. For the benefit of any veteran or veteran's organization or association;
  - d. For the defense or general welfare of the United States, or any state or nation;
  - e. For the relief of any race or group of people;
  - f. For civic purposes such as social or cultural functions or the improvement or beautification of any state, city or community;
  - g. For the benefit of any fraternal or social organization, or any member or group of members of such organization;
  - h. For the benefit of existing educational institutions or for the establishment or endowment of educational institutions, or for the aid and assistance in the education of any person or group of persons.
- (2) Charitable solicitation campaign shall mean:
  - a. Any course of conduct whereby any person shall solicit money or property on the plea of representation that the proceeds there from are for any charitable, educational, patriotic or philanthropic purpose; or

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- Editors Note: Ord. No. 8872, § 1, adopted Jan. 9, 1986, amended Art. IV of this chapter to read as herein set out in §§ 20-46--20-60. Prior to the enactment of said Ord. No. 8872, Art. IV, Div. 1, §§ 20-46--20-49, and Div. 2, §§ 20-56--20-61, pertained to solicitations for contributions and permits therefor as derived from Ord. No. 1832, §§ 37-1--37-8, adopted Feb. 28, 1956; Ord. No. 7264, §§ 1--3, enacted July 22, 1976; and Code 1959, §§ 21-10--21-19.
  - State Law References: Soliciting for fraternal benefit society without certificate of authority, VATS Insurance Code Art. 10.43.

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- b. Any course or conduct whereby any corporation chartered under the Texas Nonprofit Corporation Act, or any of its agents, solicits money or property; or
  - c. Any course of conduct whereby any person shall solicit money or property for an organization which is organized for any charitable, educational, patriotic or philanthropic purpose.
- (3) Board shall mean the permit and license appeal board of the city.
- (4) Cost of solicitation shall mean all costs incurred in raising the funds solicited, including compensation paid to a professional promoter or professional solicitor, but shall not include the following:
- a. The cost of giving or holding a show, benefit, dance, bazaar, dinner, sporting or social event, or other similar event;
  - b. The cost of making or acquiring goods or commodities to be sold or used as prizes;
  - c. The cost of maintaining offices and staff on an annual basis.
- (5) Cost of promotion shall mean all costs incurred in raising the funds solicited, including the cost of solicitation.
- (6) Director shall mean the individual appointed by the city manager to administer the article and issue the permits.
- (7) Organization shall include associations, clubs, societies, firms, partnerships and corporations as well as individuals or groups of individuals.
- (8) Professional promoter or professional solicitor shall mean a person who, for compensation, plans, promotes, conducts, manages, carries on, or makes solicitations for any charitable solicitations campaign. A bona fide officer, regular or temporary salaried employee of a charitable, educational, patriotic or philanthropic organization shall not be deemed a professional promoter or professional solicitor by reason of his participation in a charitable solicitations campaign by or on behalf of his employer.
- (9) Solicit or solicitation shall mean the following methods of securing or attempting to secure money or property:
- a. Any oral or written request;
  - b. The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement or publication;
  - c. The making of any announcement through the press, radio, television or by telephone or telegraph concerning an appeal, assembly, athletic or sporting event, bazaar, benefit campaign, contest, dance, dinner, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, or similar event which the general public is requested to patronize, or to which the general public is requested to make contributions;
  - d. The sale, or the offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket, or other thing.

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A solicitation shall be deemed completed when made, whether or not the person making the solicitation receives any money or property, or makes any sale. (Ord. No. 8872, § 1, 1-9-86)

### **Sec. 20-48. Permit required.**

It shall be unlawful to conduct any charitable solicitations campaign in the City of Lubbock unless the person, organization, society, association, or corporation conducting same and responsible therefor shall first have registered in compliance with the terms of this article, provided, however, that except to the extent hereinafter stated in this section, the provisions of this article shall not apply to:

- (1) Any church, congregation, religious society, sect, or group or order, which solicits funds for religious purposes and possesses a valid certificate of exemption from federal income taxes as an organization described in Section 501(c)(3) of the Internal Revenue Code.
- (2) Any organization which solicits funds solely from its own voting members, not using public streets or public places for such purposes. "Members" means those persons who, for the payment of fees, dues, or other such assessments, receive a bona fide right, privilege, professional standing, honor or other direct benefit, in addition to the right to vote, elect officers, or hold office.
- (3) Any individual or organization that must obtain a charitable solicitations permit or license by registering with a federal agency or an agency of the State of Texas, including Texas Tech University. The filing of tax reports or other corporation reports to authorities shall not constitute such registration as to permit charitable solicitations without having registered with the city. The director may periodically request lists of such registered individuals or organizations from other governmental agencies in order to make the registrations public. (Ord. No. 8872, § 1, 1-9-86; Ord. No. 9144, § 1, 11-19-87; Ord. No. 9467, § 1, 8-8-91)

### **Sec. 20-49. Initial application, information to be contained.**

(a) An initial registration to conduct a charitable solicitations campaign in the City of Lubbock shall be granted only after an application fee of ~~fifteen dollars (\$15.00)~~ twenty dollars (\$20.00) is paid and an application form is filed with the director not less than three (3) days prior to the initiation of the first campaign following the passage of Ordinance Number 8872 [adopted Jan. 9, 1986]. Such application shall be sworn to by the applicant, and shall contain the following information:

- (1) The full name, telephone number, street address and mailing address of the organization applying for the registration to solicit, and if the organization is a chapter or other affiliate of an organization having its principal office outside the city, the name and address of the parent organization.
- (2) The purpose or purposes for which the gross receipts derived from such charitable solicitations campaign are to be used.

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- (3) The name and telephone number of the person or persons by whom the receipts of such solicitations shall be disbursed.
  - (4) The name, telephone number and address of the person or persons who will be in charge of conducting the charitable solicitations campaign in the City of Lubbock.
  - (5) A brief outline of the method or methods to be used in conducting the charitable solicitations campaign.
  - (6) The period within which such charitable solicitations campaign shall be conducted, including the proposed date for the beginning and end of such campaign(s).
  - (7) The total amount of funds proposed to be raised.
  - (8) The maximum percentage of funds to be collected which are intended to be used to pay the cost of promotion.
  - (9) If a professional promoter or professional solicitor is used by the organization for a campaign(s) and the professional promoter or professional solicitor is to receive payment or benefit for such services out of the funds collected, then such facts must be stated in the application.
  - (10) If applicant is a charitable corporation or other organization, an indication of its current status as an organization to which contributions are tax deductible for federal income tax purposes.
  - (11) The annual reporting date established by a continuously operating applicant for submitting the annual report in section 20-54.
  - (12) The applicant shall state that it has not failed to keep or observe any promised agreement, representation or commitment with regard to the allocation of funds, or methods of solicitation made to the director in connection with any previous application.
  - (13) The applicant shall state that it does not intend to use a specious charitable solicitations campaign as a means of selling private merchandise or promoting personal or commercial interests, and that such solicitation and the method used in the conduct thereof may jeopardize the health, life and property of the citizens of the city.
- (b) A renewal registration will be issued to those charities that are renewing their expired registration. A renewal registration will only be issued within one year from the date the original registration expired. The renewal registration will be granted only after an application fee of ~~five dollars (\$5.00)~~ fifteen (\$15.00) is paid and an application form containing any information that has changed since the initial registration application was approved is filed with the director. (Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 2, 8-8-91)

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### **Sec. 20-50. Sponsorship disclosure.**

In addition to the aforementioned application, all applicants must submit to the director, letters of authorization from all nonaffiliated charities benefiting, directly or indirectly, from the solicitation campaign(s) to be conducted by the applicant. (Ord. No. 8872, § 1, 1-9-86)

### **Sec. 20-51. Conditions of approval.**

Upon receipt of the proper application, as provided herein, the director will issue the registration applied for within three (3) working days, if the following conditions are met:

- (1) The applicant or person in charge has not been convicted of violating any of the terms of this article.
- (2) The applicant has fully supplied all the information required in the registration process.
- (3) In no event, however, shall the director deny a registration except for those reasons stated in 20-51 and 20-57 of this article. (Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 3, 8-8-91)

### **Secs. 20-52, 20-53. Reserved.**

**Editors Note:** Former §§ 20-52 and 20-53 pertained to disclosures by solicitors as derived from Ord. No. 8872, § 1, adopted Jan. 9, 1986. Such sections were repealed by Ord. No. 9320, § 1(7), adopted Dec. 14, 1989.

### **Sec. 20-54. Duration of the registrations.**

- (a) Charitable solicitation registrations are valid only for the period specified in the registration, which shall not exceed one (1) year.
- (b) Charitable organizations continuously operating on an annual basis may hold registrations effective for a one-year period which shall correspond with the fiscal year of the organization, or such other annual reporting date as is requested by such organizations.
- (c) Charitable organizations may be issued a temporary registration for thirty (30) days upon payment of the application fee in full while the application process is being completed by the applicant. (Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 4, 8-8-91)

### **Sec. 20-55. Registration nontransferable.**

No registration issued hereunder shall be assigned. Nothing in this section shall, however, prohibit a registrant from using a number of solicitors and representatives in conducting the solicitation.

(Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 5, 8-8-91)

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### **Sec. 20-56. Revocation of registration.**

If after notice and hearing, the director shall determine that any registrant or any agent or representative of a registrant, has violated any of the terms of the registration, or is violating or has violated any of the provisions of this article, then it shall be the duty of the director to revoke the registration. The registrant shall be given at least seventy-two (72) hours' written notice by certified mail of time and place of the revocation hearing. In the event of revocation the registrant may appeal to the board.

(Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 6, 8-8-91)

### **Sec. 20-57. Denial of registration.**

An application registration under this article may be denied only for the following reasons:

- (1) Whether the applicant's campaign, as described in the application to the director, complies with all applicable state and federal laws and city ordinances; and
- (2) Whether the applicant fully completed all the information required on the application.  
(Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 7, 8-8-91)

### **Sec. 20-58. Certain conditions of solicitations prohibited.**

- (a) Solicitations which involve the selling of tickets to an event where the ticket sales will exceed the capacity of the facilities where the event is to be held are prohibited.
- (b) Solicitations from motorists on public streets or highways are prohibited. (Ord. No. 8872, § 1, 1-9-86)

### **Sec. 20-59. Reports to be filed.**

- (a) All persons or organizations registered under this article shall furnish to the director within thirty (30) days after the charitable solicitations campaign has been completed, a detailed report and a financial statement showing the amount of funds raised by the charitable solicitations campaign, the amount expended for cost of solicitation or cost of promotion. The director may extend the time for filing the report for thirty (30) days for good cause shown.
- (b) An organization which is granted an annual solicitation registration and which prepared an annual report and financial statement shall be permitted to furnish a copy of such report and statement to the director within sixty (60) days after the close of its fiscal year or upon the date specified by such organization pursuant to section 20-49(a)(11) in lieu of the report required by subsection (a) above.
- (c) The annual report and memorandum may be submitted through the mail. (Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 8, 8-8-91)

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### **Sec. 20-60. Violation and penalty; enforcement.**

- (a) Any group, person, organization or corporation that fails to obtain the registration and conducts a solicitations campaign shall be in violation of this article. Such violation shall constitute a misdemeanor and upon conviction thereof, punishable by a fine not to exceed two hundred dollars (\$200.00).
- (b) The police department for the City of Lubbock shall enforce this article. (Ord. No. 8872, § 1, 1-9-86; Ord. No. 9467, § 9, 8-8-91)