

ORDINANCE NO. 149058

An Ordinance amending Section 7.16.060, 7.16.090 and 7.16.140 of the Code of the City of Portland, Business Licenses, to provide that the Commissioner in charge of the Business Licenses Division may issue charitable solicitations permits upon recommendation of the Public Solicitations Commission unless such recommendation is appealed to the Council, and declaring an emergency.

Section 1. The Council finds:

- (1) That the present Chapter 7.16, Charitable Solicitations, of the Code of the City of Portland provides that a solicitations permit may only granted by the City Council.
- (2) That in order to remove many of these items from Council consideration it is desirable that the Commissioner in charge of the Business Licenses Division be granted authority to issue solicitation permits upon recommendation of the Public Solicitations Committee if no appeal is filed from such recommendation to the City Council within 10 days after the recommendation.
- (3) That under such new procedure the Commissioner in charge may issue such permits if no appeal is filed, or may, in the discretion of the Commissioner refer the matter to the City Council for Council consideration.

NOW, THEREFORE, the Council directs:

- (a) Sections 7.16.060, 7.16.090 and 7.16.140 of the Code of the City of Portland, Charitable Solicitations, are hereby amended to read as follows:

7.16.060 Recommendations to commissioner. The commission, or a subcommittee thereof acting on its behalf may recommend to the commissioner in charge of the Business License Division that a permit be issued under the conditions contained in this chapter unless one or more of the following facts is found to exist.

- (1) That not all statements made in the application are true;
- (2) That the applicant is not a responsible person of good character and reputation, or, if the applicant is not an individual person, that any member, managing officer or agent of the applicant is not a responsible person of good character and reputation for honesty and integrity;
- (3) That the control and supervision of the solicitation will not be under a responsible and reliable person;
- (4) That the applicant is or has engaged in a fraudulent transaction or enterprise;
- (5) That the solicitation will be a fraud upon the public;

(6) That the solicitation is not prompted solely by a desire to finance the charitable cause described in the application, but will be conducted primarily for private personal benefit of the people conducting it;

(7) That the cost of the solicitation campaign will exceed twenty percent of the total contributions (for the purposes of this section, the cost of merchandise or services including entertainment furnished the contributor in return for a contribution shall not be considered as part of the solicitation campaign cost);

(8) That the applicant has violated a provision of this chapter involving moral turpitude;

(9) That the cost of a previous solicitation made pursuant to permit issued under this chapter exceeded twenty percent of the total contributions received.

In addition, the commission, or a subcommittee thereof acting on its behalf, may, without the requirement of formal application, recommend to the commissioner in charge of the Business License Division the issuance of a permit to those charitable organizations which have, through past performance, earned public acceptance and have proved their integrity, ability to solicit efficiently, and worth as a public charity.

The Commission, or a subcommittee thereof acting on its behalf, shall also recommend to the commissioner in charge of the Business License Division the duration of all permits applied for under the conditions of this chapter.

7.16.070 Issuance of permits. If the commissioner in charge of the Business License Division finds that the provisions of this chapter have been complied with and that the applicant is otherwise qualified and that the solicitation to be made shall not be detrimental to the general welfare, the commissioner in charge may direct the Business License Division to issue a permit in accordance with the procedures herein contained. Such permit shall be issued in accordance with the recommendation of the commission, or a subcommittee thereof only after the expiration of ten days after the recommendation to the commissioner and no appeal to the council is filed within that time. Regardless of any recommendation of the commission, the commissioner in charge may refer that matter to the council for determination, in which case the matter shall be heard by the council as an appeal in accordance with provisions of this chapter.

7.16.090 Form of permit--Duration. Permits issued under this chapter shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the city or the commission of the purpose of or the person conducting the solicitation. All permits shall be signed by the chief license inspector or senior license inspector and shall be in effect for the time stated thereon, which shall be the time approved by the commissioner in charge of the Business License Division, or by the council, but in no event shall the permit be valid beyond twelve months from the date of issuance.

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7.16.140 Appeal. Any person dissatisfied with the recommendation or action of the commission may, within ten days of such recommendation or action, appeal to the council of the city.

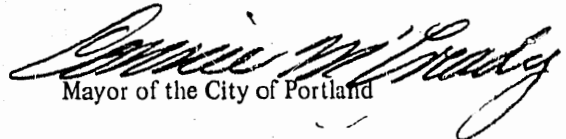
On appeal if the council finds that the provisions of this chapter have been complied with and that the applicant is otherwise qualified and that the solicitation to be made will not be detrimental to the general welfare, it may direct a permit to be issued and may impose such conditions as the council finds appropriate. The council may in its discretion deny the permit or in its discretion waive any requirement of this chapter.

Section 2. The Council declares:

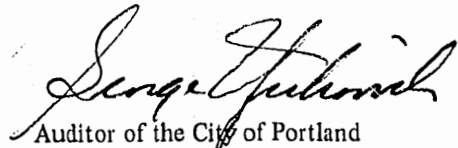
In order that the procedures established herein by code amendment may be effective without unnecessary delay, therefore, an emergency exists and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JAN 30 1980

Mayor McCready, and
Commissioner Lindberg
January 15, 1980
RLHurtig/fg


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. ³²⁹~~229~~

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Title

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JAN 23 1980

CONTINUED TO JAN 30 1980

Filed JAN 18 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By James C. Powell

Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Mayor McCready, and Commissioner Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>M. J. J.</i>
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Prepared By: RLHurtig/fg	Date: 1/15/80
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	

NOTED BY
City Attorney
City Auditor
City Engineer <i>gc</i>