

CHAPTER 116: CHARITABLE SOLICITATIONS

Section

- 116.01 Definitions
- 116.02 Certificate of registration required for charitable or civic organizations; exemptions
- 116.03 Registration statement; registration fee
- 116.04 Issuance of certificates of registration; standards for granting or denying a registration; notice of hearing
- 116.05 Reserved
- 116.06 Closing statement to be filed on expiration of certificate registration
- 116.07 Professional solicitors and fundraising consultants
- 116.08 Reserved
- 116.09 Identification of registrant and charitable purpose
- 116.10 Revocation, suspension or refusal to renew any registration; notice of hearing
- 116.11 Unlawful solicitation activity
- 116.12 Existing regulations
- 116.13 Finality of Administrator's actions

- 116.97 Severability
- 116.98 Civil remedies
- 116.99 Penalty

§ 116.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ADMINISTRATOR." The person holding the position of Chief of Police, or his/her designee, or any successor department or agency thereof.

"CHARITABLE or CIVIC ORGANIZATION." Any person determined by the Internal Revenue Service or the Kentucky Department of Revenue to be a tax-exempt organization; or a person or organization defined under KRS 367.650(2).

"CHARITABLE or CIVIC PURPOSE." Any purpose or activity which holds itself out to be benevolent, educational, philanthropic, humane, patriotic, religious, eleemosynary or fraternal or to be established for a social welfare or advocacy, public health, environmental conservation, or civic purpose, or is designed to serve the welfare of society generally or any class or group to which society is morally obligated or a specific community or to preserve or improve the culture thereof or environment enjoyed thereby; or as may otherwise be defined under applicable federal or Kentucky statutes or revenue rulings of the Internal Revenue Service or Kentucky Department of Revenue.

"CONTRIBUTION." Any grant, promise, or pledge of money, credit, property, financial assistance, or other thing of any kind or value in response to a solicitation for a charitable or civic purpose. It does not include: bona fide fees, dues, or assessments paid by

members, if that membership is not conferred solely as consideration for making a contribution in response to a solicitation; or money, property, or compensated services received from any governmental authority.

"FUNDRAISING CONSULTANT." Any person, who, for compensation, plans, manages, advises, consults, or develops material for or with respect to the solicitation for any charitable organization. A fundraising consultant shall not, at any time, have custody of contributions from a solicitation or solicit contributions, directly or indirectly. If a fundraising consultant's fee is related to the amount of contributions received from a solicitation in which he/she took part, the consultant is considered a professional solicitor. A fundraising consultant shall not employ, procure, or otherwise engage any compensated person to solicit contributions. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a fundraising consultant, unless he/she is employed or engaged as a fundraising consultant or a professional solicitor by another charitable organization.

"HIGHWAY." Any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them, including private residential roads and parking lots covered by an agreement under KRS 61.362; and off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700.

"CITY GOVERNMENT." City of LaGrange.

"PERSON." Any individual, corporation, trust, partnership, organization, foundation, society, or other legal entity.

"PROFESSIONAL SOLICITOR."

(1) A person who for compensation or other financial consideration solicits contributions in this city directly or indirectly, for or on behalf of a charitable organization. A person qualifies as a professional solicitor if he/she is hired on a fee, commission, or percentage basis and the work is performed by him/her or his or her agents or the employees or volunteers of the benefitting charitable organization under the direction, supervision, or instruction of the solicitor. A professional solicitor conducts or supervises specific fundraising activities or events in which gifts are solicited, received, and deposited by the professional solicitor or his/her agents, expenses are paid, and net proceeds delivered to the charitable organization. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a professional solicitor, unless he/she is employed or engaged as a fundraising consultant or a professional solicitor by another charitable organization.

(2) Any person, professional solicitor, fundraising consultant, or telemarketer who acts as a subcontractor or agent or employee for or on behalf of any person, professional solicitor, or fundraising consultant to solicit contributions in the City of LaGrange directly or indirectly for or on behalf of any charitable or civic organization, for purposes of this chapter shall be considered as a professional solicitor and shall comply with all provisions of this chapter.

"RELIGIOUS ORGANIZATION." Any organization the activity of which is protected by Section 1(2) of the Kentucky Constitution and the First Amendment of the Constitution of the United States.

"RESIDENT AGENT." A person who resides within Oldham County, Kentucky or a Kentucky county, which borders Oldham County, Kentucky.

"SOLICIT and SOLICITATION." Engaging in or requesting, directly or indirectly, that an addressed person or limited audience or the public generally make a contribution or contributions. Solicitation shall be deemed to have taken place when the request is made, whether or not the requested contribution is made.

"SOLICITOR." A natural person who, by personal contact, transmits an oral communication or writing, which identifies that person, requests a specific person to make a contribution for charitable or civic purposes.

(Ord. 13-2005, passed 11-7-2005)

§ 116.02 CERTIFICATE OF REGISTRATION REQUIRED FOR CHARITABLE OR CIVIC ORGANIZATIONS; EXEMPTIONS.

(A) Subject to the exceptions and exemptions contained in this chapter, any person, other than a professional solicitor or fundraising consultant, who solicits contributions or contracts with a professional solicitor or fundraising consultant to solicit contributions from persons within the legal boundaries of the City of LaGrange for charitable or civic purposes, shall have first obtained a certificate of registration from the Administrator in the manner prescribed by §§ 116.03 and 116.04 of this chapter.

(B) In order to be eligible to obtain and maintain a certificate of registration, a person must have a resident agent for purposes of receiving any notice provided for in this chapter, furnishing information required or requested by the Administrator, or for service of any civil or criminal process.

(C) The following types of solicitations are hereby exempt from the certificate of registration requirement as set forth in division (A) above, except when soliciting charitable contributions on a highway and the adjoining intersections thereof, then they are subject to division (A) above, but are exempt from paying any fees under §§ 116.03(D) or 116.04(H):

(1) Solicitations by a charitable or civic organization for contributions solely from its members and their families, provided that membership in such organizations is not included in the solicitation in order to avoid the provisions of this chapter, and further provided that such memberships are not granted solely upon the basis of such contributions.

(2) Solicitations by a religious organization for contributions for religious purposes such as maintenance of a house of worship, conduct of services and propagation of its faith or tenets as distinguished from other charitable and civic purposes employed by non-religious organizations.

(3) Solicitations by a publicly owned or non-profit privately endowed educational institution which is approved or licensed by the State Board of Education, the Council on Higher Education or an equivalent public authority of the jurisdiction where such institution is located, when such solicitations are sought from its alumni, faculty members, student body and their families, and corporations, for the establishment or continuance of the institution's educational program.

(4) Solicitations by a student group or parent-teacher association on behalf of their educational institution or its related activities, conducted with the approval of the administration of said educational institution.

(D) For any purpose under this chapter where a social security number is required to be furnished, a person may in lieu thereof submit any other government-issued identification number.

(Ord. 13-2005, passed 11-7-2005)

§ 116.03 REGISTRATION STATEMENT; REGISTRATION FEE.

(A) Any person required to obtain a certificate of registration pursuant to § 116.02(A) of this chapter shall submit a sworn written registration statement to the Administrator, as well as a law enforcement records check authorization. All registration statements shall be on forms provided by the Administrator and they shall contain the following information:

(1) The full legal name of the person registering to solicit contributions for charitable purposes.

(2) Whether the person registering is an individual, partnership, corporation or association, and:

(a) If an individual, such person's business and residential address, business and residential telephone number, date of birth and social security number.

(b) If a partnership, the business address and telephone number of the partnership and the full legal names of all partners, their principal business and residential addresses, business and residential telephone numbers, date of birth and social security numbers.

(c) If a corporation, the state of incorporation, the mailing address, principal business location, social security number, residential address and telephone number and full legal name of the individual with overall operating responsibility of the local office of the corporation, the names of all officers and directors or trustees of the corporation and the tax identification or employer identification number, if any, of the corporation, and a copy of the Articles of Incorporation.

(d) If an association, the association's principal business address and telephone number, if any, and the full legal names and principal business and residential addresses, telephone numbers, social security numbers, and date of birth of all members of the association. If there are more than ten members of the association, however, the person registering may alternatively list the full legal names, principal business and residential addresses, telephone numbers, social security numbers, and date of birth of the officers and directors of trustees of the association. If the association is part of a multi-state organization or association, the mailing address and street location of its principal headquarters shall be given, in addition to the mailing address and business location of its local office.

(3) The charitable or civic purpose of the solicitation, the amount or value of contributions intended to be raised for such purposes, and an estimate of approximate expenses that will be incurred in connection with the solicitation, including any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation.

(4) The full legal names, residential addresses, social security numbers and date of birth of all individuals authorized to incur expenses related to the solicitation or to disburse any proceeds of the solicitation.

(5) The full legal name, business and residential address, telephone number, social security number and date of birth of each

person, up to five individuals, who will have organizational responsibility with respect to the solicitation of contributions. If any such person is a professional solicitor or fundraising consultant, however, that person will be so identified by registrant and for each professional solicitor or fund raising consultant, the registrant shall provide either the information required by § 116.02(A)(2) or the certificate of registration number, for the professional solicitor or fundraising consultant.

(6) The time period within which the solicitation of contributions is to be made, giving the date of the beginning of solicitation and its projected conclusion.

(7) The dates and times of proposed solicitations, and the highways and the adjoining intersections thereof where solicitations are to be conducted for the next year following the date of the application. Only one person or group of persons shall be allowed to solicit charitable contributions on the highways and adjoining intersections thereof at any given time.

(8) The registrant shall list the five most populous cities in which it has solicited contributions during the previous five years.

(9) Evidence that the registrant has third-party liability insurance with a single limit of no less than \$500,000 which insurance covers the activities of all of the registrant's officers, agents, employees, volunteers, and contractors.

(10) A statement to the effect that the granting of a certificate of registration by the City of LaGrange will not be used as or represented to be an endorsement by the City of LaGrange or any of its officers or employees.

(11) As to each, if any, officer, director, trustee, partner, or any current agent or employee engaging in the solicitation of contributions who, within the past five years has been convicted of a felony or misdemeanor involving moral turpitude, shall provide the full legal name, social security number, and date of birth of the individual, the nature of the offense, the state where the conviction occurred, and the year of the conviction.

(12) If the registrant is unable to provide any of the foregoing information, the registrant shall set forth an explanation of the reasons why such information is not available.

(13) Each registration statement shall be signed by an individual on behalf of the person registering. If the person registering is an individual, then such individual shall sign the registration statement. If the registrant is a partnership, then the managing partner or the partner charged with disbursing the contributions solicited shall sign. If the registrant is a corporation or an association, then its chief executive officer or the officer charged with disbursing the contributions solicited shall sign. The individual signing the registration statement shall sign the statement and swear before an officer authorized to administer oaths that the individual has read the registration statement and that all the information contained therein is true and correct to the best of the individual's knowledge.

(B) Compliance with the registration statement requirements of § 116.03(A) hereof may be met by filing with the Director a complete and accurate copy of the disclosure requirement statement prepared and filed with the Kentucky Attorney General pursuant to KRS 367.650 through 367.670, et seq., and specifically with KRS 367.668. Said copy of the disclosure statement filed with the Kentucky Attorney General shall be re-executed by the appropriate officer(s) of the soliciting entity, under oath, within 90 days prior to the date upon which said copy is filed with the Director.

(C) The disclosure statement shall be accompanied by the Internal Revenue Service Form 990 most recently filed by the soliciting entity, and each succeeding Form 990 shall, by copy, be filed with the Director so long as the soliciting entity shall continue making charitable solicitations within the City of LaGrange. Such filing will satisfy all periodic reporting requirements under this chapter.

(D) Unless the applicant is exempt from paying fees under § 116.02(C), every registration statement shall be accompanied by a \$50 registration and processing fee, which fee is non-refundable.

(Ord. 13-2005, passed 11-7-2005)

§ 116.04 ISSUANCE OF CERTIFICATES OF REGISTRATION; STANDARDS FOR GRANTING OR DENYING A REGISTRATION; NOTICE OF HEARING.

(A) Within ten working days of the receipt of the registration statement, the Administrator shall either issue a certificate of registration or notify the registrant that the registration statement does not comply with requirements of § 116.03(A) and specifically identify what information or explanation has not been furnished.

(B) Within five working days of the receipt of written information or explanation not previously furnished by the registrant, the Administrator shall issue the certificate of registration, unless the Administrator determines:

(1) Any statement made in the application is untrue, false, misleading, incomplete, or factually incorrect; and/or

(2) The applicant or the principal officers of the organization submitting the application have been previously convicted of violating the provisions of this chapter, or convicted of violating similar statutes or ordinances enacted by other jurisdictions to regulate the conduct of charitable solicitations, or convicted of any crime involving fraud or theft by deception in the last five years.

(C) In the event that the Administrator makes an affirmative finding as to divisions(B)(1) and/or (B)(2) of this section, the Administrator shall give written notice to the applicant by certified mail, which notice states the deficiency found in applicant's registration statement, and that the registration is denied.

(D) In the event that a registration is denied for any reason, the applicant may request a hearing before the Administrator or his/her designee by filing with the Administrator within five working days of receipt of the Administrator's denial a written request that the Administrator reconsider the denial. The request shall set forth with specificity the reasons for the request. The Administrator shall conduct a hearing within 15 working days of the date of receipt of the applicant's request, unless the applicant requests an extension and agrees, in writing, not to conduct any solicitation activity during the period prior to the hearing. The applicant may be present in person or by representative and shall be entitled to legal counsel. Additionally, the applicant shall be entitled to introduce evidence on his/her behalf and correct any identified errors or omissions in the registration statement. The Administrator shall issue a decision within ten working days after the hearing

(E) In the event the Administrator issues a decision adverse to the applicant, the applicant may appeal to the Oldham Circuit Court within 30 days after the Administrator's denial.

(F) During the pendency of any certificate of registration issued pursuant to this chapter, the registrant shall advise the Administrator within five working days of any supplemental information required on the registration statement. The registrant shall also notify the Administrator within five working days of any changes in the information provided by the registrant on the registration statement, which occur during the effective period of the certificate of registration.

(G) A certificate of registration issued by the Administrator to any person or organization is non-transferable and shall bear the name and address of the person or organization conducting the solicitation, the number of the certificate of registration, the date of issuance, the effective dates of the certificate of registration, and the methods of solicitation the registrant has proposed to use for all solicitations conducted pursuant to such certificate. Each such certificate shall have prominently printed thereon the following: "The issuance of this certificate of registration is not an endorsement by the City Government or any of its departments, officers, or employees." No certificate of registration shall be valid for a period beyond December 31 of the calendar year in which it was issued.

(H) A certificate of registration for a registrant may be renewed annually upon payment of a \$50 renewal fee. Registrants exempt under § 116.02(C) shall not be required to submit a payment. At the time of the renewal, the registrant shall update its registration statement by providing current and accurate information with respect to all items initially required to be on the registration statement as delineated in the provisions of § 116.03.

(Ord. 13-2005, passed 11-7-2005)

§ 116.05 RESERVED.

§ 116.06 CLOSING STATEMENT TO BE FILED ON EXPIRATION OF CERTIFICATE OF REGISTRATION.

(A) No later than ninety (90) days after the expiration of the certificate of registration, each registrant shall file a closing statement with the Administrator. Except as provided to the contrary herein, the closing statement shall be a financial statement that is either:

(1) On a form provided by the Administrator for this purpose and sworn to before a Notary Public by the individual who signed the registration statement on behalf of the registrant; or

(2) Audited by a certified public accountant.

(B) Whether submitted on the form provided by the Administrator or audited by a certified public accountant, the closing statement shall indicate the total contributions collected or pledged from the solicitation, the purpose or purposes for which such contributions have been or will be disbursed by the registrant, all costs incurred in and related to the solicitation showing the date and payee of each expenditure, any incurred but unpaid expenses and any other anticipated disbursements of collected or pledged contributions showing the actual or projected date of each disbursement. If funds have been or will be kept by the registrant for over thirty (30) days before disbursement for any purpose, the name of the financial institution, if any, with which such funds have been or will be deposited and the account numbers, the requirement to show the total contributions represented by any food or tangible property, other than money, that has been collected or pledged may be satisfied by estimating the monetary value of the food or other tangible property to the

nearest multiple of \$100.

(C) All registration statements and closing statements filed with the Administrator shall be public records and shall be available to the public in conformity with the Kentucky Open Records Act, KRS 61.870 et seq.

(D) The Administrator shall compile all closing financial statements from all registrants registered pursuant to this chapter into booklet form to be made available to the general public. The Administrator shall update this information at least every six months.

(Ord. 13-2005, passed 11-7-2005)

§ 116.07 PROFESSIONAL SOLICITORS AND FUNDRAISING CONSULTANTS.

(A) Before engaging in the business of a professional solicitor or fundraising consultant in the City of LaGrange, any person who intends to act as a professional solicitor or fundraising consultant shall first comply with all applicable provisions of the KRS 367.650 through 367.669, and shall register with the Administrator by providing the following information:

(1) A photocopy of the letter of compliance from the Attorney General of Kentucky with the assigned registration number indicated thereon;

(2) A registration form provided by the Administrator completed pursuant to and consistent with applicable state law, and which contains provision for the disclosure of any person, professional solicitor, fundraising consultant, or telemarketer with whom the registrant may or has subcontracted or engaged in any manner directly or indirectly to solicit any charitable contributions.

(3) Proof of registration with the City of LaGrange if required to do so by law.

(B) Every registration statement shall be accompanied by a fee of \$200 for a professional solicitor, and a fee of \$100 for a fundraising consultant. Such fee will be non-refundable.

(C) Within ten working days of the receipt of the registration statement, the Administrator shall either issue a certificate of registration upon compliance of all requirements contained in division (A) of this section, or, notify the registrant that the registration statement does not comply with this chapter, and specifically identify what information has not been furnished that is required before a certificate of registration can be issued. Within five working days of receipt of the information requested, but previously not furnished by the registrant, the Administrator shall issue the certificate of registration provided all requirements of this chapter have been met. In the event these requirements are not satisfied, the Administrator shall give written notice to the registrant by certified mail, which notice states the deficiency found in the registrant's information, and that the registration has been denied. In the event the registration is denied, the registrant may request a hearing before the Administrator or his/her designee by filing with the Administrator within five working days of receipt of the Administrator's denial a written request that the Administrator reconsider the denial. The request shall specifically set forth the reasons for the request. The Administrator shall conduct a hearing within fifteen (15) working days of the date of receipt of the applicant's request, unless the applicant requests an extension and agrees, in writing, not to conduct any solicitation activity during the period prior to the hearing. The applicant may be present in person or by representative and shall be entitled to legal counsel. Additionally, the applicant shall be entitled to introduce evidence on his/her behalf and correct any identified errors or omissions in the registration statement. The Administrator shall issue a decision within ten working days after the hearing. In the event the Administrator issues a decision adverse to the registrant, the registrant may appeal to the Oldham Circuit Court within thirty (30) days after the Administrator's denial.

(D) A certificate of registration issued by the Administrator to any person or organization is non-transferable and shall bear the name and address of the person or organization registering as a professional solicitor or fundraising consultant, and the termination date of the certificate of registration shall be December 31 of the year in which it was issued. Each such certificate shall have properly printed thereon the following: "The issuance of this Certificate of Registration is not an endorsement by the City of La Grange or any of its departments, officers, or employees."

(E) A certificate of registration for a professional solicitor or a fundraising consultant may be renewed annually upon payment of a \$200 renewal fee for a professional solicitor or a \$100 renewal fee for a fundraising consultant. At the time of the renewal, the professional solicitor or fundraising consultant shall update its registration statement by providing current and accurate information with respect to all items initially required to be on the registration statement by divisions (A) and (C) of this section.

(Ord. 13-2005, passed 11-7-2005)

§ 116.08 RESERVED.

§ 116.09 IDENTIFICATION OF REGISTRANT AND CHARITABLE PURPOSE.

(A) All persons, professional solicitors and fundraising consultants, shall exhibit evidence of their certificate of registration at the site of solicitation. The charity for which the proceeds of the public solicitation will be used shall be legibly posted on any receptacle used for such purpose at the site of solicitation.

(B) Solicitations, which are conducted on a highway, shall conform to all of the provisions of § 116.11(O).

(Ord. 13-2005, passed 11-7-2005)

§ 116.10 REVOCATION, SUSPENSION, OR REFUSAL TO RENEW ANY REGISTRATION; NOTICE OF HEARING.

(A) Should the Administrator determine that any registrant:

(1) Has violated any applicable provision of KRS 367.650 through 367.669 or any provision of §§ 116.01 through 116.98 of this chapter;

(2) Has refused or failed, after notice, to produce any records or disclose any information required pursuant to KRS 367.650 through 367.669 or any provision of §§ 116.01 through 116.98 of this chapter;

(3) Has made a material false statement in an application, statement, or report required to be filed under KRS 367.650 through 367.669 or any provision of §§ 116.01 through 116.98 of this chapter;

(4) Has been convicted of any crime involving, fraud or theft by deception in the last five years.

Then the Administrator shall require such person to show cause why their registration should not be suspended, revoked, or not renewed.

(B) The Administrator shall send written notice of the show cause hearing by certified mail return receipt requested, and shall state the grounds for the hearing as well as the time and date of the hearing.

(C) The Administrative hearing shall be held within fifteen (15) working days of the date of the notice. Failure or refusal to accept the notice may not be grounds for delaying or otherwise challenging the hearing.

(D) The Administrator shall issue a decision within ten working days of the completion of the hearing. Should the decision be adverse to the registrant, the registrant shall have thirty (30) days to appeal the Administrator's decision to the Oldham Circuit Court. During that time period, the registrant is prohibited from soliciting unless otherwise ordered by the Oldham Circuit Court.

(Ord. 13-2005, passed 11-7-2005)

§ 116.11 UNLAWFUL SOLICITATION ACTIVITY.

(A) It shall be unlawful for any person, professional solicitor, or fundraising consultant, directly or through an agent or employee, to solicit contributions for charitable purposes within the City of LaGrange unless a certificate of registration has been obtained from the Administrator.

(B) It shall be unlawful for any individual, as the agent or employee of another, to solicit contributions for charitable purposes in the City of LaGrange unless his/her principal or employer has received a certificate of registration.

(C) It shall be unlawful for any person, directly or through an agent or employee, to solicit contributions for charitable purposes within the City of LaGrange after the expiration of any certificate of registration.

(D) It shall be unlawful for any person who shall solicit contributions for charitable purposes in the City of LaGrange to represent, in connection with such solicitation, that the issuance of a certificate of registration by the City Government constitutes an endorsement or approval of the purposes of such solicitation by the City of LaGrange or any department, officer or employee thereof.

(E) It shall be unlawful for any person issued a certificate of registration to solicit contributions for charitable purposes to fail to file any financial statement that this chapter requires to be filed with the Administrator.

(F) It shall be unlawful for any person, directly or through an agent or employee, to act as a professional solicitor of fundraising

consultant within the City of LaGrange unless such person shall have first obtained the certificate of registration from the Administrator.

(G) It shall be unlawful for any individual, as the agent or employee of another, to act as a solicitor for a professional solicitor or fundraising consultant in the City of LaGrange unless his/her principal or employer has received a certificate of registration.

(H) It shall be unlawful for any person, directly or through an agent or employee, to act as a professional solicitor or fundraising consultant within the City of LaGrange after the expiration of any unexpired certificate of registration.

(I) It shall be unlawful for any person acting as a professional solicitor or fundraising consultant in the City of LaGrange to represent, in connection with any solicitation activity, that the issuance of a certificate of registration by the City Government constitutes an endorsement or approval of the purposes of such solicitation by the City of LaGrange or any department, officer or employee thereof.

(J) It shall be unlawful for any professional solicitor or fundraising consultant issued a certificate of registration hereunder to fail to file with the Administrator the financial statement required by this chapter.

(K) It shall be unlawful for any person, professional solicitor or fundraising consultant to use the word "police", "law enforcement", "firefighters", "firemen", "sheriffs", "constables", or "veterans", for the purpose of soliciting contributions, unless authorized to do so by an established organization representing such specific groups or entities. Such proof of said authorization shall be filed with said application for registration.

(L) It shall be unlawful for any person, professional solicitor, or fundraising consultant to represent or lead anyone in any manner to believe that a solicitation is for or on behalf of a charitable organization; or utilizing any emblem, device, or printed matter belonging to or associated with a charitable organization; or otherwise representing that any part of the contributions received will be donated to a charitable organization without first being authorized in writing to do so by the charitable organization.

(M) It shall be unlawful for any person, professional solicitor, or fundraising consultant to utilize a name, symbol, or statement so closely related or similar to that used by another charitable organization, public official, or public agency that its use would tend to confuse or mislead a solicited person.

(N) It shall be unlawful for any person, professional solicitor or fundraising consultant to commingle their personal funds with contributions collected from a charitable solicitation. Separate books, records and bank accounts shall be kept by persons, professional solicitors or fundraising consultants regarding charitable solicitation activity. In addition, daily totals shall be kept showing the aggregate amount of contributions collected and/or received by all persons, professional solicitors and/or fundraising consultants engaged in solicitation activity on behalf of a person or charitable or civic organization.

(O) It shall be unlawful for any person, whether individually or as the agent or employee of another, or as a volunteer, to stand on a highway for the purpose of soliciting contributions unless such person is at least eighteen (18) years of age and otherwise complies with the provisions of KRS 189.570(21). All such individuals at all times when participating in such activity must:

- (1) Carry with them a government-issued identification card which verifies their age;
- (2) Wear a badge or sticker, which prominently displays the name of the organization for whom the solicitation is being conducted, and the organization's license number as issued by the Administrator;
- (3) Utilize safety equipment including but not limited to:
 - (a) Wearing bright orange or yellow safety vests;
 - (b) Placing orange cones, minimum height of thirty (30) inches, six cones per lane being worked, at a minimum of ten feet apart;
 - (c) Displaying a legible sign with dimensions of at least two feet by three feet, on which is printed the name of the organization, and which is visible from each direction of the highway upon which the solicitation is being conducted;
- (4) Withdraw from an intersection to a place of safety on a median or on the side of a highway before the light turns green in the direction they are working;
- (5) Limit solicitation activity to one person for each lane of traffic;
- (6) Refrain from yelling at or otherwise distracting motorists, and from touching any vehicle; and
- (7) Not conduct any solicitation activity before sunrise or after sunset, as published daily in The Courier-Journal, or in inclement

weather during which, in the judgment of any law enforcement officer, conducting solicitation activity would constitute a hazard to individuals conducting solicitation activity or to motorists.

(P) It shall be unlawful for any licensed organization to engage in solicitation activity on a highway within the City of LaGrange for more than nine days in any calendar year.

(Q) It shall be unlawful to violate any other provision of this chapter not specifically enumerated in this section.

(Ord. 13-2005, passed 11-7-2005) Penalty, see § 116.99

§ 116.12 EXISTING REGULATIONS.

(A) All registrations issued under the authority of any ordinance or regulation of the former City of LaGrange or Oldham County shall be valid and remain in full force and effect until their expiration dates but charitable solicitations and professional solicitor or fundraising consultant activities pursuant to such registrations, including post-solicitation reporting requirements, shall be governed by this chapter.

(B) On the anniversary date of any registration issued under the authority of any ordinance or regulation of the City of LaGrange or Oldham County, each such registrant who wishes to renew or continue its charitable solicitation or professional solicitor or fundraising consultant activities in Oldham County shall register with the Administrator in the manner required by this chapter and, unless exempt, pay the registration fee.

(Ord. 13-2005, passed 11-7-2005)

§ 116.13 FINALITY OF ADMINISTRATOR'S ACTIONS.

Any action or determination made by the Administrator pursuant to any provision of this chapter shall be deemed final and conclusive as to the issues addressed by such action or determination; provided, however, that nothing contained herein shall prevent any person from exercising any right, or seeking any remedy, to which said person is entitled, nor from filing any action with any other agency or court of appropriate jurisdiction.

(Ord. 13-2005, passed 11-7-2005)

§ 116.97 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(Ord. 13-2005, passed 11-7-2005)

§ 116.98 CIVIL REMEDIES.

The Administrator shall have authority to enforce the provisions of this chapter in the name of the City Government by filing any proper legal or equitable action in any court of competent jurisdiction.

(Ord. 13-2005, passed 11-7-2005)

§ 116.99 PENALTY.

(A) First offense. A fine of \$50.00, if paid within 30 days of citation; and additional \$50.00 if not paid within 30 days of citation, plus interest at the rate of 1% per month, compounded monthly.

(B) Second offense. A fine of \$100.00, if paid within 30 days of citation; and additional \$100.00 if not paid within 30 days of citation, plus interest at the rate of 1% per month, compounded monthly.

(C) Third offense. A fine of \$500.00, if paid within 30 days of citation; and additional \$500.00 if not paid within 30 days of citation, plus interest at the rate of 1% per month, compounded monthly.

(D) Nothing in this section will affect the imposition of attorney fees or legal costs and this section does not repeal the imposition of the same in prior ordinances or ordinances that may be enacted and ordained after this section is enacted or ordained.

(Ord. 6-2011, passed 5-2-11)