



CITY OF BAYTOWN

City Clerk's Office
2401 Market Street Baytown, Texas 77520
Phone: (281) 420-6504 Fax: (281) 420-5891
Web: www.baytown.org

FOR OFFICE USE ONLY	
Date Received:	_____
Date Processed:	_____

CHARITABLE SOLICITORS PERMIT APPLICATION FEE: \$0

Charitable Organization Information

- 1) Name of Charitable Organization: _____
- 2) Address: _____
City: _____ State: _____ Zip: _____
- 3) Describe the character and extent of the charitable, educational, patriotic, or philanthropic work done by the organization within the city during the preceding year: _____

Primary Campaign Contact Information

- 1) Full Name of Primary Campaign Contact (This is the person who will be in charge of conducting the charitable solicitations campaign in the city): _____
- 2) Address: _____
City: _____ State: _____ Zip: _____
- 3) Primary Phone Number: _____
- 4) Driver's License Number: _____ State: _____
- 5) Date of Birth: _____
- 6) Have you ever been convicted of a misdemeanor involving moral turpitude or a felony?:
 NO
 YES

Campaign Information

- 1) Describe the purpose of the campaign and specifically what the gross receipts derived from campaign will be used for: _____

Campaign Information (continued)

2) Describe the method(s) to be used in conducting the charitable solicitations campaign: _____

3) Will a professional promoter or professional solicitor be used?:

NO

YES

4) Campaign starting date: _____ Ending date: _____

5) Please provide the estimated revenues and expenses expected from the charitable campaign:

A. TOTAL AMOUNT TO BE COLLECTED: \$ _____

B. TOTAL AMOUNT TO BE SPENT FOR WAGES AND SALARIES: \$ _____

C. TOTAL AMOUNT TO BE SPENT ON FEES AND COMMISSIONS: \$ _____

D. ALL OTHER CAMPAIGN EXPENSES: \$ _____

E. TOTAL CAMPAIGN EXPENSES (Add Lines B,C,D): \$ _____

F. TOTAL AMOUNT GOING TO CHARITY (Subtract Line E from A) \$ _____

G. PERCENTAGE THAT WILL GO TO CHARITY (Divide Line F by A) _____ %

6) Name of person responsible for the disbursement of funds raised during the campaign:

Address: _____

City: _____ State: _____ Zip: _____

Primary Phone Number: _____

Preceding Year Collection Information

1) Is the campaign as described in this application the same or substantially the same as a campaign from the preceding year?:

NO

YES

If yes, please provide the following information from the preceding year's campaign:

A. TOTAL AMOUNT COLLECTED: \$ _____

B. TOTAL FUNDRAISING EXPENSES: \$ _____

C. TOTAL AMOUNT TO CHARITY: \$ _____

D. PERCENTAGE THAT WENT TO CHARITY: _____ %

Application Attachments

<i>Attachment Number</i>	<i>Attachment Description</i>	<i>Is the Required Documentation Attached to this Application?</i>
1	Copy of charitable corporation's charter or articles of incorporation	Yes <input type="checkbox"/> No <input type="checkbox"/> OR Not applicable <input type="checkbox"/>
2	Proof of current status as an organization to which contributions are tax deductible for federal income purposes	Yes <input type="checkbox"/> No <input type="checkbox"/> OR Not applicable <input type="checkbox"/>
3	Copy of written agreement with professional promoter or professional solicitor	Yes <input type="checkbox"/> No <input type="checkbox"/> OR Not applicable <input type="checkbox"/>
4	Letters of authorization from all charities benefitting directly or indirectly from the charitable solicitation campaign	Yes <input type="checkbox"/> No <input type="checkbox"/> OR Not applicable <input type="checkbox"/>
5	Copy of financial statement of parent organization if funds are transmitted to parent organization for further disbursement	Yes <input type="checkbox"/> No <input type="checkbox"/> OR Not applicable <input type="checkbox"/>
6	Signed background check authorization form	Yes <input type="checkbox"/> No <input type="checkbox"/>
7	List of names and address of all officers and directors or trustees of the organization	Yes <input type="checkbox"/> No <input type="checkbox"/>
8	List of names of all officers and directors or trustees present when the decisions were made regarding the purpose of the campaign and designation of the individual in charge of the disbursement of funds raised	Yes <input type="checkbox"/> No <input type="checkbox"/>
9	Copy of Primary Campaign Contact's driver's license	Yes <input type="checkbox"/> No <input type="checkbox"/>

Other Important Information

- There are a few exceptions that, if applicable, may allow your organization to perform a charitable solicitor's campaign within the City without a permit. For more information please see Section 74-126 of the City of Baytown Code of Ordinance or contact the City of Baytown City Clerk's office.
- Charitable solicitation permits are valid only for the period specified in the permit. Permits will be issued for a period of up to one year.
- A downloadable version of City of Baytown Code of Ordinances Chapter 74 Article III – Charitable Solicitors is available on the City's website and can also be found at the following website:
<http://library.municode.com/index.aspx?clientId=10022&stateId=43&stateName=Texas>
- Should you have any questions, feel free to contact the City Clerk's office, Phone: (281) 420-6504 Fax: (281) 420-5891 Web: www.baytown.org

How can I submit this application? Mail or deliver original application to: City of Baytown, City Clerk, 2401 Market Street, Baytown, TX 77520.

Affidavit

I, _____ (Name of Applicant) do hereby state that all matters stated in this application and accompanying attachments are true and correct.

I understand and have read Chapter 74, Article III of the Cod of Ordinances for the City of Baytown and understand that for any cause and/or reason I should fail to be in compliance, this permit may be revoked by an officer and/or other City of Baytown official.

I further understand that neither myself or any agent or representative of this Organization shall at any time stand in a roadway in the city limits of Baytown to solicit a contribution or business from an occupant of a vehicle.

I also attest that I am at least 18 years of age and have presented as evidence:

- State issued driver’s license or I.D. card with a photograph, or information, including name, sex, date of birth; or
- A military identification card; or
- United States Passport.

SIGNED on this the _____ day of _____, 20____.

Signature

Title

THE STATE OF _____ §

COUNTY OF _____ §

SUBSCRIBED AND SWORN before me, this _____ day of _____.

(Seal)

NOTARY PUBLIC STATE OF _____

DPS Computerized Criminal History (CCH) Verification

(AGENCY COPY)

I, _____, have been notified that a computerized criminal history (CCH) verification check will be performed by accessing the Texas Department of Public Safety Secure Website and will be based on name and DOB information I supply.

Because the name based information is not an exact search and only fingerprint record searches represent true identification to criminal history, the organization (as listed below) conducting the criminal history check is not allowed to discuss any information obtained using this method, therefore the agency may offer the opportunity to have a fingerprint search performed to clear any misidentification based on the name search, if the search provides a criminal report I know could not be mine.

For the fingerprinting process I will be required to submit a full and complete set of my fingerprints for analysis through the Texas Department of Public Safety AFIS (automated fingerprint identification system). I have been made aware that in order to complete this process I must have the correct fingerprinting (FAST) form from this agency, make an online appointment, submit a full and complete set of my fingerprints, and pay a fee of \$9.95 to the fingerprinting services company, L1Enrollment Services.

Once this process is completed and the agency receives the data from DPS, the information on my fingerprint criminal history record may be discussed with me.

(This copy must remain on file by your agency. Required for future DPS Audits)

Signature of Applicant or Employee

Date

Agency Name (Please print)

Agency Representative Name (Please print)

Signature of Agency Representative

Date

Check and Initial each Applicable Space	
CCH Report Printed:	
YE <input type="checkbox"/>	NO <input type="checkbox"/> _____ initial
Purpose of _____	
Hire <input type="checkbox"/>	Not <input type="checkbox"/> _____ initial
Date _____	_____ initial
Destroyed _____	_____ initial
Retain in your files	

Chapter 74 - PEDDLERS AND SOLICITORS

ARTICLE I. - IN GENERAL

Secs. 74-1—74-25. - Reserved.

ARTICLE III. - CHARITABLE SOLICITORS

FOOTNOTE(S):

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State Law reference— Charitable solicitation, Vernon's Ann. Civ. St. art. 9023c. [\(Back\)](#)

DIVISION 1. - GENERALLY

Sec. 74-96. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charity or charitable, educational, patriotic or philanthropic purpose means the use, actual or represented, of money or property for:

- (1) The benefit of any poor, underprivileged, needy, sick or handicapped person;
- (2) The benefit of any church, congregation, religious society or other religious group or order;
- (3) Patriotic purposes such as the teaching of patriotism;
- (4) The benefit of any veteran or veteran's organization or association;
- (5) The defense or general welfare of the United States or any state or nation;
- (6) The relief of any race or group of people;
- (7) Civic purposes such as social or cultural functions or the improvement or beautification of any state, city, or community;
- (8) The benefit of any fraternal or social organization or any member or group of members of such an organization; or
- (9) 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.

Charitable solicitations campaign means any course of conduct whereby a:

- (1) Person shall solicit money or property on the plea or representation that the proceeds therefrom are for any charitable, educational, patriotic or philanthropic purpose;
- (2) Corporation chartered under the Texas Nonprofit Corporation Act or any of its agents, solicits money or property; or
- (3) Person shall solicit money or property for an organization that is organized for any charitable, educational, patriotic or philanthropic purpose.

Cost of fundraising means all costs incurred in raising the funds solicited.

Organization includes associations, clubs, societies, firms, partnerships and corporations, as well as individuals or groups of individuals.

Professional promoter or professional solicitor means a person who, for compensation, plans, promotes, conducts, manages, carries on or makes solicitations for any charitable solicitations campaign. A bona fide officer or regular employee of a charitable, educational, patriotic or philanthropic organization shall not be deemed a professional promoter or professional solicitor because of his participation in a charitable solicitations campaign by or on behalf of his employer.

Solicit or solicitation means the following methods of securing or attempting to secure money or property:

- (1) Any oral or written request;
- (2) The distribution, circulation, posting or publishing of any handbill, written advertisement or publication; or
- (3) 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.

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.

(Code 1967, § 22-21; Ord. No. 5430, § 1, 1-11-90)

Cross reference— Definitions generally, § 1-2.

Sec. 74-97. - Exemptions.

Public safety organizations, independent promoters and public safety publications as defined in Vernon's Ann. Civ. St. art. 9023c are exempt from this article.

Sec. 74-98. - Hours.

It shall be unlawful for any person or organization to engage in a charitable solicitation campaign except between the hours of 10:00 a.m. and 9:00 p.m.

(Code 1967, § 22-32; Ord. No. 5430, § 1, 1-11-90)

Secs. 74-99—74-125. - Reserved.

DIVISION 2. - PERMIT

Sec. 74-126. - Required; exceptions.

It shall be unlawful to conduct any charitable solicitations campaign in the city unless the person, organization, society, association or corporation conducting such campaign and responsible therefor shall first have obtained the permit in compliance with this article. However, except to the extent stated in this section, this article shall not apply to the following:

- (1) Any organization that solicits funds solely from its own voting members, not using public streets or public places for such purposes. As used in this subsection, the term "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;

- (2) Any organization whose receipts from solicitations does not exceed \$1,000.00 annually; or
- (3) The solicitation of funds for charitable purposes by a person when such solicitation occurs on premises owned or controlled by the person soliciting funds or with the written permission of the person who owns or controls the premises.

(Code 1967, § 22-23; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-127. - Application.

A permit to conduct a charitable solicitations campaign in the city shall be granted only after an application for such purpose has been filed with the city clerk not less than 15 days prior to the initiation of the proposed campaign and, after review, has been approved by the city clerk. Such application shall be sworn to by the applicant and shall contain the following information:

- (1) The full name and city address of the organization applying for the permit 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 names and addresses of all officers and directors or trustees of the organization. In addition, the organization shall be required to furnish the name and city of residence of all officers, directors or trustees of the parent organization, if any;
- (3) The purpose for which the gross receipts derived from such charitable solicitations campaign are to be used;
- (4) The name of the person by whom the receipts of such solicitations shall be disbursed; if the receipts are transmitted to the parent organization for further disbursement of all funds, a detailed and complete financial statement of the parent organization for the last preceding fiscal year;
- (5) The name and address of the person who will be in charge of conducting the charitable solicitations campaign in the city;
- (6) An outline of method to be used in conducting the charitable solicitations campaign;
- (7) The period within which such charitable solicitations campaign shall be conducted, including the proposed date for the beginning and end of such campaign;
- (8) The total amount of funds proposed to be raised;
- (9) The amount of all salaries, wages, fees and commissions, expenses and costs to be expended and the approximate percentage of funds to be collected that will go to charity and the approximate percentage that will go for fundraising;
- (10) If a professional promoter or professional solicitor is used by the organization and the professional promoter or professional solicitor is to receive payment or benefit for such services out of the funds collected, such facts must be stated in the application, and there must be a written agreement between the organization and the promoter or solicitor which contains all the terms and conditions of the arrangement and expressly sets out any payment or benefit to be paid to the promoter or solicitor, and a copy of such agreement must be filed with the application;
- (11) The names of all officers, directors or trustees present when the decisions were made in reference to subsections (3) and (4) above;
- (12) A detailed and complete statement of the funds, if any, collected by the applicant during the preceding year from a charitable solicitations campaign, which were the same or substantially the same as those for which the applicant is seeking a permit, such statement to show the amount collected, the cost of fundraising, the percentage that went to charity and the final distribution thereof. Annual reports of the applicant, if deemed to be in sufficient detail by the city clerk, may be filed in lieu of a separate campaign statement;

- (13) A full statement of the character and extent of the charitable, educational, patriotic or philanthropic work done by the applicant within the city during the preceding year;
- (14) If the applicant is a charitable corporation, a copy of its charter or articles of incorporation; if the applicant is a foreign corporation, a copy of its certificate to do business in this state; and
- (15) If the applicant is a charitable corporation or other organization, proof of its current status as an organization to which contributions are tax deductible for federal income purposes.

(Code 1967, § 22-24; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-128. - Sponsorship disclosure.

In addition to the application required in section 74-127, all applicants must submit to the city clerk letters of authorization from all charities benefiting directly or indirectly from the charitable solicitation campaign conducted by the applicant. If the applicant is the charity to be benefited, the applicant shall identify by name, address and telephone number the recipients of its charitable acts, unless such charitable acts are performed upon the premises, in which case the city may enter the premises to verify that the indicated charitable acts are being performed.

(Code 1967, § 22-25; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-129. - Review of applications.

No application for a permit to conduct a charitable solicitations campaign in the city shall be granted or refused until it is reviewed by the city clerk for compliance with this article.

(Code 1967, § 22-22; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-130. - Approval or denial.

The city clerk shall issue the permit required under this division upon proper application, but shall reject the permit if:

- (1) One or more of the statements made in the application are not true;
- (2) The applicant or person in charge of the charitable solicitations campaign has been convicted of a misdemeanor involving moral turpitude or a felony or that the applicant or such person has made or caused to be made false statements or misrepresentations in the application or has in any way publicly represented that the permit is an endorsement or recommendation of the cause on which the charitable solicitations campaign is being conducted or has otherwise violated any of the terms of the permit or this article;
- (3) The applicant has 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 in connection with any previous application or has otherwise violated the terms of this article under a previous permit;
- (4) The applicant's campaign, as described in the application to the city clerk, fails to comply with all applicable state and federal laws and city ordinances;
- (5) The applicant failed to fully complete all the information required on the application; or
- (6) The applicant failed to adequately document his financial objectives and expenses.

(Code 1967, § 22-26; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-131. - Duration.

Charitable solicitation permits are valid only for the period specified in the permit. Permits will be issued for a period of up to one year.

(Code 1967, § 22-27; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-132. - Transferability.

No permit issued under this division shall be assigned. Nothing in this section shall, however, prohibit a permittee from using a number of solicitors and representatives in conducting the solicitation.

(Code 1967, § 22-28; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-133. - Reports required.

- (a) Every person or organization issued a permit under this division shall furnish to the city clerk, within 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 fundraising, including a detailed report of the wages, fees, commissions and expenses paid to any person in connection with such fundraising; and the disposition of the balance of the funds collected by the campaign. The report shall be sworn to by an officer of the permittee organization. However, the city clerk may extend the time for filing the report required by this subsection for an additional period of 30 days for good cause shown. The permittee shall make available to the city clerk all books, records and papers whereby the accuracy of the report required by this subsection may be investigated.
- (b) All financial statements and reports and all applications submitted by an applicant or permittee and all determinations, findings and rulings involving accounting procedures made by the city clerk shall be prepared, made and interpreted in accordance with the standards and practices as set out in the book entitled Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations, Rev. Ed. 1988, National Health Council, National Social Welfare Assembly; provided, however, that such standards shall not apply to any organization whose annual gross receipts from charitable solicitations do not exceed \$1,000.00. A copy of such book, authenticated by the signatures of the mayor and the city clerk, is on file in the city clerk's office.
- (c) An organization which is granted an annual solicitation permit and which prepares an annual report and financial statement shall be permitted to furnish a copy of such report and statement to the city clerk within 60 days after the close of its fiscal year in lieu of the report required by subsection (a) of this section and, if the gross receipts from charitable solicitations of such organization exceeds \$1,000.00, shall comply with the requirements of subsection (b) of this section.

(Code 1967, § 22-29; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-134. - Denial.

An applicant for a permit required under this division who is denied a permit by the city clerk shall be furnished a written statement indicating the reason the permit was denied within ten days after the denial. The applicant then has five days to file a written protest to the denial of the permit with the city clerk. Upon receipt of such written protest, the city clerk shall present the protest and information concerning the application and reasons for rejection to the city council for its review. If the protest is not considered by the city council within 15 days from the date the protest is filed, an interim permit shall be deemed issued under this division to the applicant by operation of law, subject to the same restrictions and obligations under which any permit under this division is issued.

(Code 1967, § 22-30; Ord. No. 5430, § 1, 1-11-90)

Sec. 74-135. - Agents and solicitors of permit holders.

- (a) Every person to whom a permit has been issued under this division shall furnish a copy of the permit and proper credentials to his agents and solicitors for such charitable solicitations campaign. On the face of the permit shall be a statement disclosing the percentage of the amount collected going to charity, as calculated under subsection 74-127(12). A current membership card in the organization conducting the solicitation shall suffice for such identification. It is unlawful for any person to solicit under any permit granted under this division without the credentials and permit copy required by this

section. The credentials and permit shall be shown upon request to any person solicited and to any police officer or authorized agent of the city.

- (b) It is unlawful for any person to conduct or participate in any charitable solicitation campaign, except under a valid permit issued in compliance with this division.

(Code 1967, § 22-31; Ord. No. 5430, § 1, 1-11-90)

Secs. 74-136—74-149. - Reserved.

ARTICLE IV. - PANHANDLING

Sec. 74-151. - Aggressive panhandling.

- (a) *Applicability.* This section does not apply to a person who is (i) conducting operations as an itinerant merchant or open air vendor if such person has a valid license pursuant to article II of this chapter for such operations; (ii) conducting a charitable solicitations campaign if such person has a valid permit pursuant to article III of this chapter for such campaign; or (iii) seeking a charitable solicitation as provided by V.T.C.A., Transportation Code § 552.007(a), if such person has been granted authorization by the city pursuant to V.T.C.A., Transportation Code § 552.0071 for such solicitation.
- (b) *Definitions.* The following words, terms, and phrases when used in this section shall have the meanings ascribed to them in this subsection, unless the context of their usage clearly indicates another meaning:

Automated teller machine or *ATM* means a machine, other than a telephone or modem operated by a customer of a depository institution, through which a person may initiate an electronic fund transfer, as defined by 15 U.S.C. Section 1693a(6). The term includes a point-of-sale terminal or cash dispensing machine.

Fuel dispensing device means a pump or other machine utilized for dispensing fuel to motor vehicles for a fee.

Panhandle means obtain or seek to obtain by accosting or begging from someone.

Pay telephone means any coin-operated or credit or debit card reader operated telephone located on any public or private property that is accessible for public use.

Parking fee collection box means a device utilized to collect coins or currency as a charge for parking a motor vehicle on private property.

Parking meter means any coin-operated meter utilized to charge for parking a motor vehicle on public property.

Public place means any public indoor or outdoor facility, street, sidewalk, roadway, or other place that is open to the public.

Request means any imperative instruction, whether verbal or non-verbal, by a solicitee to a solicitor to desist the solicitation including, but not limited to, words or gestures such as "stop," "back off," "stay back," "get away," "leave me alone," or "withdraw."

Roadway means the roadbed, shoulder, median, curbs, safety zones, sidewalks, overpass structures, and utility easements located adjacent to or near the roadway.

Solicitation means the act of panhandling by seeking through a communication with another person, whether by gesture or verbally, goods or funds for food, personal favors, including, but not limited to trips, transportation, or clothing, drink, lodging, or vehicle fare, or any other purpose.

Solicitee means any individual to whom a solicitor directs a solicitation.

Solicitor means any person who engages in the act of solicitation.

Vending machine means any coin-operated, automatic machine that dispenses goods or merchandise.

(c) *Regulated conduct.*

- (1) Immediately upon any request from a solicitee to a solicitor, a solicitor, who is in a public place at the moment the request is made, shall discontinue all efforts to engage in the solicitation.
- (2) No solicitor shall engage in solicitation within a distance of 50 feet from any ATM, pay telephone, parking meter, parking fee collection box, vending machine, or fuel dispensing device.
- (3) No solicitor shall stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway and in accordance with V.T.C.A., Transportation Code § 552.0071.

(d) *Distance measurements.* For the purposes of subsection (c)(2) of this section, distance shall be measured from any extension of the solicitor's body, including without limitation any sign or other object being used or carried by the solicitor, to any part of the physical structure of the ATM, pay telephone, parking meter, parking fee collection box, vending machine, or fuel dispensing device.

(e) *Penalty for violation.* Any person who knowingly or intentionally violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by section 1-14 of this Code.

(f) *Administrative rules.* The police chief is authorized to promulgate such rules and regulations necessary for the implementation and administration of this section.

(Ord. No. 11,141, § 1, 6-25-09; Ord. No. 12,006, §§ 2—4, 8-23-12)