

CLERK'S OFFICE

APPROVED

Date:

9-9-14

Submitted by: Assembly Vice-Chair Traini

Prepared by: Dept. of Law

For reading: August 26, 2014

**ANCHORAGE, ALASKA**  
**AO No. 2014-110(S)**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING ANCHORAGE MUNICIPAL CODE CHAPTER 10.35, SOLICITATION, AND AMENDING SECTION 14.60.030 TO DELETE ASSOCIATED FINES.**

**WHEREAS**, Anchorage Municipal Code chapter 10.35, Solicitation, has been in the Code since the 1970s and requires the Municipal Clerk's office to administer the registration and licensing requirements of persons or organizations that solicit funds from the general public for religious, charitable or educational purposes; and

**WHEREAS**, The State of Alaska, Department of Law, since at least 1993 has been charged with administering registration of charitable organizations soliciting donations and of paid solicitors under AS 45.68.010 *et seq.*, and through regulations promulgated thereunder at 9 AAC 12.10 *et seq.*, making any municipal registration and oversight redundant and unnecessary; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code chapter 10.35, Solicitation, is hereby repealed in its entirety. A copy of the chapter being repealed as it currently exists is included as Attachment A.

**Section 2.** Anchorage Municipal Code section 14.60.030, Fine schedule, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**14.60.030 Fine schedule.**

The fine schedule under this chapter is as follows:

Code Section	Offense		Penalty/Fine
*** **	*** **		*** **
[10.35.010.A]	[NONCOMMERCIAL SOLICITATION]		[75.00]
[10.35.020]	[NONCOMMERCIAL SOLICITATION, PROHIBITED ACTS:]		
	[A.]	[HOURS]	[75.00]
	[B.]	[WHERE PROHIBITED BY	[75.00]

		PROPERTY OWNER]	
	[_____C.]	[NONDISCLOSURE]	[75.00]
	[_____D.]	[MISREPRESENTATIONS]	[75.00]
***    ***    ***		***    ***    ***	***    ***    ***

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14)

**Section 3. Anchorage Municipal Code of Regulations section 10.35.001 is hereby amended to read as follows:**

**10.35.001 (Repealed) [NONCOMMERCIAL SOLICITATION LICENSE FEES].**

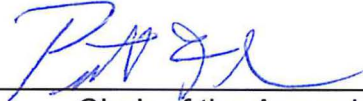


1 [THERE IS NO FEE FOR A LICENSE GRANTED UNDER ANCHORAGE MUNICIPAL CODE  
2 CHAPTER 10.35.]

3  
4 (AR No. 87-104)

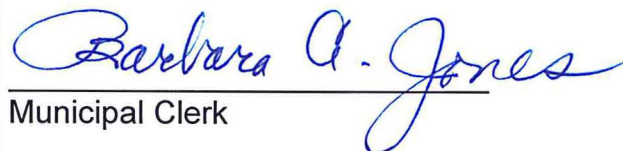
5  
6 **Section 4.** This ordinance shall be effective immediately upon passage and approval  
7 by the Assembly.

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9 PASSED AND APPROVED by the Anchorage Assembly this 9th day of  
10 September, 2014.

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14 \_\_\_\_\_  
Chair of the Assembly

15 ATTEST:

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18 \_\_\_\_\_  
19 Municipal Clerk

# ATTACHMENT 'A'

## Chapter 10.35 SOLICITATION\*

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\***State law references:** Crime of solicitation, AS 11.31.110; registration of charitable organizations soliciting contributions, AS 45.68.010.

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- 10.35.010 Noncommercial solicitation--License required.
- 10.35.015 Noncommercial solicitation--Application for license.
- 10.35.020 Noncommercial solicitation--Prohibited acts.

### **10.35.010 Noncommercial solicitation--License required.**

- A. It is unlawful for any person, corporation, association or organization of any kind, or their agents, representatives or employees, to solicit funds, or secure subscriptions for future payment of funds, for religious, charitable or educational purposes without first securing a noncommercial solicitor's license from the municipal clerk.
- B. This section shall not apply to solicitations made on behalf of any religious, charitable or educational corporation, association or organization among its members or officers, or in the form of collections or contributions made during regular assemblies or services.

### **10.35.015 Noncommercial solicitation--Application for license.**

- A. Applications for a noncommercial solicitor's license shall be made to the municipal clerk in the name of the organization, corporation or association on whose behalf solicitations will be made, and shall contain the following information:
  - 1. The purpose of the association, organization or corporation.
  - 2. The dates upon which solicitations will be made.
  - 3. The method of solicitation.
  - 4. How funds solicited or pledged will be used.
  - 5. The names and addresses of the persons within the association or organization who decide how funds received through solicitation are to be spent.
- B. The circulation and certification requirements of Section 10.10.020.A.1 shall not apply to review of applications for noncommercial solicitors' licenses.

### **10.35.020 Noncommercial solicitation--Prohibited acts.**

It is unlawful:

- A. For any person, organization, association or corporation to solicit funds or secure subscriptions for future payment of funds for religious, charitable or educational purposes between the hours of 9:00 p.m. and 9:00 a.m. in residential areas.
- B. For any person, organization, association or corporation to solicit funds or secure subscriptions for future payment of funds for religious, charitable or educational purposes on property posted with notice prohibiting solicitors, peddlers or similar activities, or where solicitors know or have reason to know that the owners or lawful occupants of that property prohibit solicitation thereon.

## ATTACHMENT 'A'

- C. For any person, in the course of soliciting funds or securing subscription for future payment of funds for religious, charitable or educational purposes, to fail to disclose the following information to persons solicited:
  - 1. His name.
  - 2. The organization, corporation or association represented, and its purpose.
  - 3. How funds solicited will be spent.
- D. For any person, in the course of soliciting funds or securing subscription for future payment of funds for religious, charitable or educational purposes, to fraudulently misrepresent any material fact or fail to disclose any material fact or use any deceptive scheme or device in connection with such activities.