

AN ORDINANCE to amend Article I of Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, by amending the title thereof and by adding thereto new sections numbered 32-9.1, 32-9.2, 32-9.3, 32-9.4, 32-9.5, 32-9.6, 32-9.7, 32-9.8, 32-9.9, 32-9.10, 32-9.11, 32-9.12, 32-9.13, 32-9.14 and 32-9.15, to amend and reordain Sections 32-13, 32-14, 32-15, 32-16 and 32-21 of Article II, and to repeal Sections 32-1, 32-2, 32-3, 32-4, 32-5, 32-6, 32-7, 32-8 and 32-9 of the aforesaid Article I, all of Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 32 relates to SOLICITATION FOR CHARITABLE, ETC., PURPOSES which Article I relates to SAME--IN GENERAL, and which new Section 32-9.1 relates to DEFINITIONS, which new Section 32-9.2 relates to REGISTRATION OF CHARITABLE ORGANIZATIONS, which new Section 32-9.3 relates to RECIPROCAL AGREEMENTS, which new Section 32-9.4 relates to EXEMPTIONS, which new Section 32-9.5 relates to PUBLICATION OF WARNING CONCERNING CHARITABLE ORGANIZATIONS, which new Section 32-9.6 relates to RECORDS TO BE KEPT BY CHARITABLE ORGANIZATIONS, which new Section 32-9.7 relates to WRITTEN CONTRACTS, which new Section 32-9.8 relates to LIMITATIONS ON AMOUNTS OF PAYMENTS FOR SOLICITATION ACTIVITIES, which new Section 32-9.9 relates to INFORMATION FILED TO BECOME PUBLIC RECORDS, which new Section 32-9.10 relates to PROHIBITED ACTS, which new Section 32-9.11 relates to REQUIRED COMPUTATION, which new Section 32-9.12 relates to ENFORCEMENT, which new Section 32-9.13 relates to LIABILITY IMPOSED BY OTHER LAWS NOT DECREASED, which new Section 32-9.14 relates to APPLICATION TO COURT FOR RELIEF, which new Section 32-9.15 relates to PENALTIES, which Article II relates to SOLICITATION FOR NON-CHARITABLE PURPOSES, which Section 32-13 thereof relates to CERTIFICATE OF REGISTRATION--FEE, which Section 32-14 thereof relates to SAME--INVESTIGATION OF APPLICANT, which Section 32-15 thereof relates to SAME--ISSUANCE OR DENIAL, which Section 32-16 thereof relates to SAME--CONTENTS, which Section 32-21 thereof relates to APPEALS; which repealed Section 32-1 relates to PERMIT REQUIRED; EXCEPTIONS, which repealed Section 32-2 relates to APPLICATION FOR PERMIT--CONTENTS, which repealed Section 32-3 relates to SAME--INVESTIGATION; APPROVAL, which repealed Section 32-4 relates to ISSUANCE AND DURATION OF PERMIT, which repealed Section 32-5 relates to RENEWAL OF PERMIT, which repealed Section 32-6 relates to TRANSFER OF PERMIT; USE OF REPRESENTATIVES, which repealed Section 32-7 relates to REVOCATION OF PERMIT, which repealed Section 32-8 relates to APPEAL FROM DENIAL OR REVOCATION OF PERMIT and which repealed Section 32-9 relates to REPORTS FROM PERMITTEES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the title of Article I, Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended to read as follows:

Article I. Same--In General.

Section 2. That Article I, Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto new sections numbered 32-9.1 through 32-9.15 to read as follows:

Sec. 32-9.1. Definitions.

Charitable organization. Any organization which is or holds itself out to be organized or operated for any charitable purpose, or any person which solicits or obtains contributions solicited from the public. This definition shall not be deemed to include any church or convention or association of churches, primarily operated for nonsecular purposes and no part of the net income of which inures to the direct benefit of any individual, if such church, convention or association has an office or place of business within the city; nor shall it include any political party as defined in Section 24.1-1, Code of Virginia (1950), as amended, or any political campaign committee required by local, state or federal law to file a report or statement of contributions and expenditures; nor shall it include any labor union registered under Section 30.1-76, Code of Virginia (1950) as amended, nor any trade association; nor shall it include any authorized individual who solicits, by authority of such organization, solely on behalf of a registered or exempt charitable organization or on behalf of an organization excluded from the definition of charitable organization.

Charitable purpose. Any charitable, benevolent, humane, philanthropic, patriotic or eleemosynary purpose and the purposes of influencing legislation or influencing the actions of any public official or instigating, prosecuting or intervening in litigation.

Contribution. Any gift, bequest, devise or other grant of any money, credit, financial assistance or property of any kind or value, including the promise to contribute, except payments by the membership of an organization for membership fees, dues, fines or assessments or for services rendered to individual members, and except money, credit, financial assistance or property received from any governmental authority. The term "contribution" shall not include any donation of blood or any gift made pursuant to the Uniform Anatomical Gift Act.

Director. The City Manager or his designee.

Federated fund-raising organization. Any federation of independent charitable organizations which have voluntarily joined together, including but not limited to the United Fund or Community Chest, for purposes of raising and distributing money for and amongst themselves and where membership does not confer operating authority and control of the individual agencies upon the federated group organization.

Fund-raising expenses. The expenses of all activities that constitute or are an integral and inseparable part of a solicitation.

Membership. Those persons to whom, for payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor or other direct benefit, in addition to the right to vote, elect offices or hold offices. The term "membership" shall not include those persons

who are granted a membership upon making a contribution as the result of solicitation.

Parent organization. That part of a charitable organization which coordinates, supervises or exercises control over policy, fund-raising and expenditures, or assists or advises one or more chapters, branches or affiliates.

Professional fund-raising counsel. Any person who for a flat fixed fee under a written agreement plans, conducts, manages, carries on, advises or acts as a consultant, whether directly or indirectly, in connection with soliciting contributions for, or on behalf of, any charitable organization, but who actually solicits no contributions as part of such services. A bona fide salaried officer or employee of a registered parent organization shall not be deemed to be a professional fund-raising counsel.

Professional solicitor. Any person who, for financial or other consideration, solicits contributions for, or on behalf of, a charitable organization whether such solicitation or contribution is performed personally or through his agents, servants or employees especially employed by, or for a charitable organization, who are engaged in a solicitation of contributions under the direction of such a person, or any person who, for financial or other consideration, plans, conducts, manages, carries on, advises or acts as a consultant to a charitable organization in connection with the solicitation of contributions but does not qualify as a professional fund-raising counsel. A bona fide salaried officer or employee of a registered or exempt charitable organization or a bona fide salaried parent organization shall not be deemed a professional solicitor.

Sale, sell and sold. The transfer of any property or the rendition of any service to any person in exchange for consideration, including any purported contribution without which such property would not have been transferred or such services would not have been rendered.

Solicit and solicitation. The request or appeal, directly or indirectly, for any contribution on the plea or representation that such contribution will be used for a charitable purpose, including without limitation, the following methods of requesting such contributions:

- (a) Any oral or written request;
- (b) Any announcement to the press, over the radio or television, or by telephone or telegraph concerning an appeal or campaign to which the public is requested to make a contribution for any charitable purpose connected therewith;
- (c) The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication which directly or by implication seeks to obtain public support;

(d) The sale of, offer or attempt to sell any advertisement, advertising space, subscription, ticket or any service or tangible item in connection with which any appeal is made for any charitable purpose or where the name of any charitable organization is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any charitable purpose.

A solicitation as defined herein, shall be deemed to have occurred when the request was made, at the place the request is received, whether or not the person making the same actually receives any contribution.

#### Sec. 32-9.2. Registration of charitable organizations.

Every charitable organization, except as otherwise provided herein, which intends to solicit contributions within the city, or have funds solicited on its behalf in this city, shall prior to any solicitation, file an initial registration statement with the director. Each registration statement shall be refiled and updated every twelve months so long as such charitable organization is engaged in solicitation activities within the city. It shall be the duty of the president, chairman or principal officer of such charitable organization to file the statements required herein on or before the first day of the twelfth month following the date on which the original registration statement was filed. Such statements shall contain the following information:

(a) The name of the organization and the purpose for which it was organized.

(b) The principal address of the organization, the address of any of its offices within the city and its designated agent for service of process within the Commonwealth. If no such agent is designated, the organization shall be deemed to have designated the Secretary of the Commonwealth.

(c) The names and addresses of any chapters, branches or affiliates of the organization located in the city.

(d) The place where and the date when the organization was legally established, the form of the organization and a reference to any determination of its tax-exempt status under the Internal Revenue Code.

(e) The names and addresses of the officers, directors, trustees, principal salaried executive staff officer, if any, and the person having custody of financial records.

(f) A copy of the balance sheet and income statement, with the opinion of an independent public accountant for the organization's immediately preceding fiscal year, or a copy of a financial statement certified by an independent public accountant covering, in a consolidated report, complete information as to all the preceding

year's fund raising activities of the charitable organization, showing kind and amount of funds raised.

(g) A statement showing the computation of the percentages provided for in sections 32-9.8 and 32-9.11 of this article.

(h) A statement indicating whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others.

(i) A statement indicating whether the organization is authorized by any other governmental agency within the Commonwealth of Virginia to solicit contributions and whether it, or any officer, professional fund-raiser or professional solicitor thereof, is or has ever been enjoined by any court or otherwise prohibited from soliciting contributions in any jurisdiction.

(j) The general purpose or purposes for which the contributions to be solicited shall be used.

(k) The name or names under which it intends to solicit contributions.

(l) The names of the individuals or officers of the organization who will have final responsibility for the custody of the contributions.

(m) The names of the individuals or officers of the organization responsible for the final distribution of the contributions.

(n) A statement indicating whether the organization or any officer thereof, or any professional solicitor or professional fund-raiser retained by the organization, has ever been convicted in any jurisdiction of embezzlement, larceny or other crime involving the obtaining of money or property by false pretenses or the misapplication of funds impressed with a trust, unless such person has received a pardon for such offense, and, if so, a description of the pertinent facts.

Each chapter, branch or affiliate located within the city, except an independent member agency of a federated fund-raising organization, shall separately report the information required by this section or report the information to its parent organization which shall then furnish to the director such information as to itself and all local affiliates, chapters and branches in a consolidated form.

Each federated fund-raising organization located within the city shall report to the director the information required by this section in a consolidated form. Any federated fund-raising organization may elect to exclude from its consolidated report information relating to the separate fund-raising activities of independent member agencies. No member agency of a federated fund-raising organization shall be required to report separately any information contained in such consolidated report; provided, however, that any separate solicitation campaign conducted by, or on behalf of, any such member agency in the city shall nevertheless be subject to all other provisions of this chapter.

The registration form shall be verified under oath or affirmation by an authorized officer of the charitable organization.

Every charitable organization which submits an independent registration to the director shall pay an annual registration fee of ten dollars (\$10.00). A parent organization filing on behalf of one or more chapters, branches or affiliates or a federated fund-raising organization filing on behalf of its member agencies shall pay a single annual registration fee. All fees paid hereunder shall be credited to the office of consumer affairs, for reimbursement of administrative expenses.

#### Sec. 32-9.3. Reciprocal agreements.

(a) Any charitable organization having no office or place of business within the city and soliciting in the city from without the city solely by telephone or telegraph, direct mail or advertising in local or national media, and any professional fund-raising counsel or professional solicitor engaged by such an organization, shall file with the director any report which would otherwise be required of it if it maintained such an office or place of business in the city, provided such charitable organization maintains an office or place of business within the Commonwealth of Virginia.

(b) The director may enter into a reciprocal agreement with the appropriate authorities of any other municipality within the Commonwealth of Virginia for the purpose of exchanging information with respect to charitable organizations, professional fund-raising counsel and professional solicitors. Pursuant to such agreements, the director may accept the information filed by charitable organizations, professional fund-raising counsel and professional solicitors with the appropriate authority of another locality within the Commonwealth in lieu of the information required to be filed by subsection (a).

#### Sec. 32-9.4. Exemptions.

(a) The following persons shall be exempt from the registration requirements of section 32-9.2 and the requirements of section 32-9.6 but shall otherwise be subject to the provisions of this chapter:

(1) Educational institutions that are recognized by the superintendent of schools of the city or that are accredited by a regional accrediting association or by an organization affiliated with a national commission on accrediting, any foundation having an established identity with any of the aforementioned educational institutions, and any other educational institution confining its solicitation of contributions to its student body, alumnae, faculty and trustees, and their families.

(2) Persons requesting contributions for the relief of any individual specified by name at the time of the solicitation, when all of the contributions collected without any deductions whatsoever are turned over to the named beneficiary for his use.

(3) Charitable organizations which have not received during any of the three preceding calendar years contributions from the public in excess of two thousand dollars (\$2,000.00) per year or which have not received contributions from more than ten persons during each of such years and whose fund-raising activities are carried on by persons who are unpaid for their services and no part of whose assets or income inures to the benefit of or is paid to any officer or member thereof, except that any such organization shall, within thirty days after the date it receives total contributions in excess of two thousand dollars (\$2,000.00) or receives contributions from eleven or more persons in the calendar year, register with and report to the director as required by this article.

(4) Organizations which solicit only within the membership of the organization by the members thereof.

(5) Organizations which have no office within the city and which solicit within the city from without the Commonwealth of Virginia solely by means of telephone or telegraph, direct mail or advertising in the national media.

(6) Any church or convention or association of churches, primarily operated for nonsecular purposes and no part of the net income of which inures to the direct benefit of any individual and which has no office or place of business within the city.

(b) No charitable organization or church, convention, or association of churches primarily operated for nonsecular purposes no part of the net income of which inures to the direct benefit of any individual and which has no office or place of business within the city, shall be exempt under this section unless it shall submit, before any solicitation in any calendar year, to the director on forms to be prescribed by him the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. In the case of a church, convention, or association of churches which has no office or place of business within the city the principal address and a designated agent for service of process within the Commonwealth shall also be submitted. If no such agent is designated, the organization shall be deemed to have designated the Secretary of the Commonwealth. If exempted, the director shall issue, annually, a letter of exemption which may be exhibited to the public. No registration fee shall be required of any exempt organization.

Sec. 32-9.5. Publication of warning concerning certain charitable organizations.

If the director shall determine that any charitable organization required to be registered pursuant to the provisions of this article is not registered and is soliciting in the city, he shall after ten days' written notice to the charitable organization, cause to be printed in one or more newspapers of general circulation in the city a notice in substantially the following form:

WARNING--UNREGISTERED CHARITABLE SOLICITATION

The organization named below has solicited contributions from area residents for allegedly charitable purposes. It has not registered with the director of consumer affairs as required by law. Contributors are cautioned that their contributions to such organization may be used for noncharitable purposes.

A copy of said warning shall immediately be forwarded to the Administrator of Consumer Affairs for the Commonwealth of Virginia.

Sec. 32-9.6. Records to be kept by charitable organizations.

Every charitable organization shall keep fiscal records in accordance with the standards set out in section 57-40.6 of the Code of Virginia (1950), as amended. Such records shall be retained for a period of at least three years after the end of the calendar year to which they relate.

Sec. 32-9.7. Written contracts.

(a) Every contract or agreement between professional fund-raising counsel and a charitable organization must be in writing and must be filed with the director within ten days after such contract or written agreement is signed.

(b) Every contract, or a written statement of the nature of the arrangement to prevail in the absence of a contract, between a professional solicitor and a charitable organization shall be filed with the director of consumer affairs within ten days after such contract is signed or such arrangement is agreed to.

Sec. 32-9.8. Limitations on amounts of payments for solicitation activities.

(a) No charitable organization shall pay or agree to pay to a professional solicitor or his agents, servants or employees in the aggregate, including reimbursement for expenses incurred, an amount of money in excess of fifteen percent (15%) of the gross amount of money collected by it as a result of his, or their, solicitation activities; nor shall any charitable organization pay or agree to pay to all professional solicitors retained by it and their agents, servants and employees in the aggregate a total amount of money in excess of ten percent (10%) of its financial support received directly from the public in the year in which such services are performed.

(b) For purposes of this section, the gross amount of money collected by an organization as a result of solicitation activities, or its financial support received directly from the public, shall not include the purchase price to the charitable organization of any tangible personal property or services which are resold by the organization as a part of its fund-raising activities.

Sec. 32-9.9. Information filed to become public records.

Registration statements, reports, professional fund-raising counsel contracts and professional solicitor contracts and all other documents and information required to be filed under this article shall become public records in the office of the director, and shall be open to the general public for inspection at such time and under such conditions as the director may prescribe. A reasonable charge may be made for any copies of such documents and information as may be furnished any person by the director.

Sec. 32-9.10. Prohibited acts.

(a) No charitable organization shall use or exploit the fact of its registration under this article so as to lead the public to

believe that such registration in any manner constitutes an endorsement or approval by the city, except that any such registered charitable organization may use and advertise the following statement in connection with any solicitation for which it has been registered under this article: "Registered with the director of consumer affairs as required by law. Registration does not imply an endorsement of a public solicitation or contribution by the City of Alexandria, Virginia."

(b) No person shall in connection with the solicitation of contributions or the sale of tangible personal property or services represent, or lead anyone by any manner, means, practice or device whatsoever to believe that the person on whose behalf such solicitation or sale is being conducted is a bona fide charitable organization, or that the proceeds of such solicitation or sale will be used for charitable purposes, if he has reason to believe such is not the fact.

(c) No person shall, in connection with the solicitation of contributions or the sale of tangible personal property or services for charitable purposes represent, or lead anyone by any manner, means, practice or device whatsoever to believe that any other person sponsors or endorses such solicitation of contributions or sale of tangible personal property or services for charitable purposes or approves of such charitable purpose or a charitable organization connected therewith when such other person has not given written consent to the use of his name for these purposes; provided, however, that any member of the board of directors or trustees of a charitable organization or any other person who has agreed to serve or participate in any voluntary capacity in the campaign shall be deemed to have given his consent to the use of his name in said campaign. Nothing contained in this section shall prevent the publication of names of contributors without their written consent in an annual or other periodic report issued by a charitable organization for the purpose of reporting on its operations and affairs to its membership or for the purpose of reporting contributions to contributors.

(d) No person shall denominate any membership fee or purchase price of goods or services purchased as a contribution or as a donation entitling the member or purchaser to an income tax deduction, or in any other manner represent or imply the same, unless there shall first have been obtained a signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding such cost to be deductible by the member or purchaser. No charitable organization shall represent or imply, unless the organization is exempt under section 52-9.4, that a contributor thereto will be entitled to an income tax deduction for his contribution unless there shall first have been obtained a signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding gifts to such organization to be so deductible.

(e) No person shall make any representation that he is soliciting contributions for or on behalf of a charitable organization or use or display any emblem, device or printed matter belonging to or associated with a charitable organization for the purpose of soliciting

or inducing contributions from the public without first being authorized to do so by the charitable organization.

(f) No professional solicitor shall solicit in the name of or on behalf of any charitable organization unless such solicitor has written authorization of two officers of such organization, which authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, not to exceed one year from the date issued. A copy of such authorization shall be filed with the director. Professional solicitors shall carry such written authorization on or about their person when making any such solicitation, and shall exhibit the same on request to any person solicited by them or to any police officer of the city or agent of the director.

(g) No charitable organization shall accept any contribution exceeding five dollars (\$5.00) in cash or tangible personal property without providing, upon request of the donor, a written receipt signed by the person accepting such contribution.

(h) No person shall solicit within the city if such person has been convicted in any jurisdiction of embezzlement, larceny or other crime involving the obtaining of money or property by false pretenses or the misapplication of funds impressed with a trust, unless such person has received a pardon for such offense or the public is informed of such conviction in a manner approved in writing by the director before any solicitation occurs. No person shall solicit within the city if such person has ever been enjoined by any court or otherwise prohibited from soliciting in any jurisdiction, unless the director shall first determine in writing that such person is entitled to solicit in such jurisdiction at the time of soliciting within the city and that the reason for such injunction or prohibition does not involve moral turpitude.

(i) No person shall solicit within the city for the benefit of any other person located without the city, if such other person refuses to supply any information required by the provisions of this article. A solicitation shall be deemed to be on behalf of every person who receives, directly or indirectly, more than ten percent (10%) of the gross amount collected.

#### Sec. 32-9.11. Required computation.

Each charitable organization shall, as a part of its registration statement, compute the percentage which its fund-raising expenses for the preceding fiscal year bore to such support it received directly from the public during that year.

#### Sec. 32-9.12. Enforcement.

(a) The director, upon his own motion or upon complaint of any person, shall investigate any charitable organization, professional fund-raising counsel or professional solicitor to determine whether such charitable organization, professional fund-raising counsel or

professional solicitor has violated the provisions of this article or has filed an application which contains false and misleading statements. The director shall submit his findings in writing to the city attorney.

(b) Whenever the city attorney shall have probable cause to believe that any charitable organization, professional fund-raising counsel or professional solicitor is operating in violation of the provisions of this article or has knowingly or willfully made any false statement in any registration application or statement, report or other information required by this article, or that a charitable organization, professional fund-raising counsel or professional solicitor has failed to file a registration statement as required by this article, or that there is employed or is about to be employed during any solicitation for contributions by a charitable organization any device, scheme or artifice to defraud or to obtain money or property from the public by means of any false pretense or misrepresentation or that the officers or representatives of any charitable organization, professional fund-raising counsel or professional solicitor have refused or failed after notice to produce any records of such organization or that the funds raised by solicitation activities are not devoted or will not be devoted to charitable purposes, the city attorney may bring an action in the name of the city against such charitable organization and its officers, such professional fund-raising counsel or professional solicitor to enjoin such charitable organization or professional fund-raising counsel or professional solicitor from continuing such violation, solicitation or collection, or from engaging therein, or doing any acts in furtherance thereof and for such other relief as the court deems appropriate

Sec. 32-9.13. Liability imposed by other laws not decreased.

Nothing contained in this article shall be construed as making lawful any act or omission which is now unlawful, or as decreasing the liability, civil or criminal, of any person imposed by existing law.

Sec. 32-9.14. Application to court for relief.

Any person aggrieved by any final order of the director issued pursuant to this article may, within fifteen days from the date of such order, apply for relief to the Circuit Court for the City of Alexandria, Virginia. Either party may appeal any final order to such court in the same manner as provided by law in cases other than cases of appeals of right.

Sec. 32-9.15. Penalties.

Any person who willfully and knowingly violates or causes to be violated any provision of this article, or who shall willfully and knowingly give false and incorrect information to the director in filing statements or reports required by this article, whether such report or statement is verified or not, shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced for the

first offense to pay a fine of not less than one hundred dollars (\$100.00), or more than five hundred dollars (\$500.00) or to be imprisoned in the Alexandria correctional center for not more than six months, or both, and for the second or any subsequent offense to pay a fine of not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00), or to be imprisoned for not more than one year, or both.

Section 5. That Section 32-13 of Article II of Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended to read as follows:

Sec. 32-13. Same--Fee.

No application shall be considered until the applicant shall have first paid the director of finance the sum of ten dollars (\$10.00) to cover processing the costs of the investigation prescribed by this article and such sum shall not be returned to the applicant in the event the certificate is refused.

Section 4. That Section 32-14 of Article II of Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended to read as follows:

Sec. 32-14. Same--Investigation of applicant.

Upon receipt of the application and certificate fee as provided for in preceding sections, the chief of police shall cause to be made such an investigation of the applicant as he deems necessary for the protection of the citizens of the city.

Section 5. That Section 32-15 of Article II of Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended to read as follows:

Sec. 32-15. Same--Issuance or denial.

A certificate of registration shall be granted within sixteen days from the date of filing of an application unless the chief of police finds:

(a) That the criminal record of the applicant shows that he has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving moral turpitude or of a felony.

(b) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of more than one misdemeanor, excluding motor vehicle code violations.

(c) That the applicant has made a false, fraudulent or misleading material statement in his application.

(d) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling, hawking or canvassing.

(e) That the applicant has been convicted of a crime involving a fraud upon any person whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.

If the chief of police finds one or more of the above he shall deny the application unless he determines that the circumstances related to the finding are such that no real threat would be posed to the health, life or property of the citizens of the city if the applicant were granted a certificate of registration, in which case he shall grant such certificate. Such determination when made shall be in writing and shall be based on such considerations as the nature and gravity of the offenses for which the applicant was convicted, the length of time since the last conviction, the work history of the applicant and the general background of the applicant.

The chief of police shall keep a permanent record of all certificates issued, denied or revoked.

Section 6. That Section 32-16 of Article II of Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended to read as follows:

Sec. 32-16. Same--contents.

Such certificate shall contain a certificate number, the name and photograph of the certificate holder, the kind of goods to be sold thereunder, the name of the employer, the date of issuance and the date of expiration, and the signature of the chief of police, or his authorized agent.

Section 7. That Section 32-21 of Article II of Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended to read as follows:

Sec. 32-21. Appeals.

Any person aggrieved by the action of the chief of police, or his authorized agent, in the denial of an application for a certificate or in the decision with reference to the revocation of a certificate by the city manager, shall have the right of appeal to the city council. Such appeal shall be taken by filing with the clerk of the city council within ten days after the notice of action complained of has been mailed to such person's last known local business address, a written statement setting forth fully the grounds for appeal. The city council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in this article for notice of a hearing on revocation. The decision and order of the city council on such appeal shall be final and conclusive.