

CONSOLIDATION UPDATE: DECEMBER 6, 2006

THE CITY OF WINNIPEG

THE CIVIC CHARITIES APPLICATIONS AND PERMITS BY-LAW
NO. 6916/96

A By-law of THE CITY OF WINNIPEG to authorize the designated employee to authorize by permit fund raising activities for charitable purposes as provided by *The Charities Endorsement Act*.

WHEREAS section 1(1) of *The Charities Endorsement Act*, reads, in part, as follows:

“1(1) In this Act,

“authorized”, where it relates to authority, valid throughout the province, to do any of the things to which subsection 2(1) applies, means authorized by the minister; and in all other cases means authorized in writing by the mayor or reeve of a municipality or any other person or body appointed for the purpose by the council of the municipality...”

AND WHEREAS Section 2(1) of *The Charities Endorsement Act*, reads as follows:

“2(1) Unless authorized, no person, and no association, society, or other organization or body of persons shall, directly or indirectly, either for himself or itself or on behalf of any person or any association, society, or other organization or body of persons, whether on a street or in any other public place, or in any building or office or elsewhere, or by house to house canvass, by telephone, mail, or personal solicitation, or by publication or radio or television announcement, or in any other way,

- (a) canvass for, solicit or collect money, goods or financial assistance of any kind; or
- (b) sell or provide, or offer to sell or provide, any goods, services, or other thing of value or any tag, ticket, or emblem; or
- (c) instruct or cause any person to do anything to which clause (a) or (b) refers;

on the plea or representation, direct or implied, that the money, goods, or financial assistance, of the sale or provision, or the whole or part of the proceeds thereof, is for a charitable purpose."

AND WHEREAS it is deemed expedient that the City pass a by-law to allow the designated employee to authorize by permit fund raising activities for charitable purposes as provided by *The Charities Endorsement Act*.

amended 8162/2002

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. This By-law may be cited as the "**Civic Charities Applications and Permits By-law**".

2. **DEFINITIONS**

amended 8162/2002

"charitable concern" where this term is used in this By-law means a concern whose objects are for a charitable purpose;

"charitable purpose" where this term is used in this By-law includes any charitable, benevolent, philanthropic, patriotic, athletic, artistic, or civic purpose that has as its object the promotion of a civic improvement or provision of a public service;

"designated employee" means the Director of Community Services or his/her delegate.

amended 8162/2002

3. **ADMINISTRATION**

The Director of the Community Services Department and his/her delegate shall administer and may take steps to enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter* and for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.¹

added 8162/2002

4. **PERMITS**

No person, corporation, promotional agency, association, organization, body of persons or municipality shall carry out any activity anticipated by *The Charities Endorsement Act* without first obtaining a permit for such purpose.

The designated employee may issue a permit where:

amended 8162/2002

- i) the solicitation is local in nature and confined to The City of Winnipeg, and
- ii) the application for permit complies with *The Charities Endorsement Act*, and
- iii) all fund-raising reports required by *The Charities Endorsement Act* have been filed;

5. **DUTIES OF THE DESIGNATED EMPLOYEE**

The duty of the designated employee shall be to examine into the character and bona fides of all charitable concerns seeking aid from the City or residents, to issue permits to such charitable concerns as he/she approves of pursuant hereto, and to deal with applications for permission to hold "tag days".

amended 8162/2002

6. **WHEN DESIGNATED EMPLOYEE MAY ISSUE A PERMIT TO A CHARITABLE INSTITUTIONS**

The designated employee may issue a permit to any charitable concern seeking aid from the City or residents which has first conformed to the provisions of this By-law and to every regulation passed in connection with charitable concerns.

amended 8162/2002

7. **DESIGNATED EMPLOYEE NOT TO ISSUE A PERMIT IN CERTAIN CASES**

The designated employee shall not grant a permit where the methods employed in raising funds are not approved by the designated employee, or where, in his/her opinion, an excessive percentage is paid to collectors or where the expenses of said entertainments are disproportionate to the anticipated receipts.

amended 8162/2002

8. **WHEN PERMITS TO BE CANCELLED**

The designated employee shall cancel a permit of any charitable concern violating any of the provisions of *The Charities Endorsement Act* or of this By-law.²

amended 8162/2002

9. **APPLICATIONS FOR PERMIT**

Any charitable concern desiring a permit shall apply therefor to the designated employee, and shall furnish the designated employee with such information as the designated employee may require, and if the designated employee shall so require, upon such forms as the designated employee may from time to time prescribe.

amended 8162/2002

10. **CONDITIONS TO BE OBSERVED BEFORE DESIGNATED EMPLOYEE MAY GRANT SUCH A PERMIT**

No permit shall be granted except under the following conditions:

- (a) Every charitable concern seeking a permit must have responsible and satisfactory local management and an administrative committee or board of managers.
- (b) the accounts of every such charitable concern shall be audited when required by the designated employee by competent accountants satisfactory to the designated employee.

amended 8162/2002

- (c) Every such charitable concern shall, within ninety (90) days after the completion of its campaign of solicitation or collection, or of its fund-raising event, file with the designated employee a statement in duplicate, certified by its proper officers in that behalf, showing the total receipt of monies collected within the City and the entire expenditures incurred in the solicitation and the collection thereof, including, without limiting the generality of the foregoing, the expenses incurred for advertising publicity, education, gratuities, commissions, wages, salaries and rent;

amended 8162/2002

11. **REPORTS**

The designated employee shall report annually to the first meeting of the Council in each year the results of the work during the previous year.

amended 8162/2002

12. **DUTIES OF DESIGNATED EMPLOYEE**

It shall be the duty of the designated employee:

- (a) to keep proper books of and records showing all information received from and concerning the results of all investigations and examinations made in connection with charitable concerns seeking aid from the City or residents, and to compile accurate information on all such concerns;
- (b) upon receipt of applications for permit to thoroughly enquire into and investigate the same and report thereon;
- (c) to give all assistance to and all necessary information and instructions to the representatives of any charitable concern seeking aid from the City or residents to enable them to understand and comply with the requirements for permit.
- (d) to give information to the Police of or in relation to charitable concerns of doubtful or questionable character and also of any person fraudulently soliciting for or in connection with any charitable concern seeking aid from the City or residents.

amended 8162/2002

13. **APPEAL**

Any charitable concern denied a permit by the designated employee may in accordance with *The City of Winnipeg Charter* file an appeal with the office of the City Clerk, which appeal shall be heard by the Standing Policy Committee on Protection and Community Services of the City and every decision of the Standing Policy Committee on Protection and Community Services shall be final and binding. ³

amended 8162/2002

14. **REPEAL**

Subject to provision of section 1 hereof By-laws numbered 350/73, as amended by By-laws numbered 421/73, 1396/76, 1445/76, 1494/77, 2449/79, 2529/80, 3301/82, 3515/83, 5912/92, 6023/92, 6595/95 and 6846/96 are hereby repealed.

15. No permit for an activity for which a permit is required by this By-law may be issued until the applicant has paid a fee for the permit as determined by Council from time to time.

amended 242/2006

DONE AND PASSED in Council assembled, this 11th day of December, 1996.

- 1 [See sections 180-181 and sections 183-188 of *The City of Winnipeg Charter* for information about some of the key powers given to designated employees.](#)
- 2 [See sections 116 and 117 of The City of Winnipeg Charter for information about how to serve orders, decisions and other documents.](#)
- 3 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)