

Village of Caledonia
County of Kent, Michigan

Application for Permit for
Charitable Solicitation

1. Full legal name of the organization applying for the permit and its legal address:
2. Name and address of the headquarters of the organization, if other than the above:
3. Purpose or purposes for which the funds collected will be used:
4. Name and address of the person or persons who will be in charge of conducting the campaign:
5. State methods used in conducting the campaign:
6. Beginning & ending dates for the campaign:
7. Total amount of funds proposed to be raised:
8. Amounts of all salaries, wages, fees, commissions, expenses and costs to be expended in connection with the campaign:
9. Maximum percentage of funds collected which will be used to pay such expenses:
10. Full statement of the character and extent of the charitable, educational, patriotic or philanthropic work done by the applicant within the Village within the preceding year:
11. If the applicant is a corporation, attach a copy of its charter or articles of incorporation; if the applicant is a foreign corporation, attach a copy of its certificate to do business in the State of Michigan.
12. If applicant is a charitable corporation, or other such corporation, attach proof of its current tax status as an organization to which contributions are tax deductible for federal income tax purposes.

The undersigned hereby request(s) that the Village Council of the Village of Caledonia grant a special permit for the above described charitable solicitation.

Submitted herewith is the required application fee of \$_____

Dated: _____

Village of Caledonia

By _____
Village Clerk

Section 8.22 Charitable Solicitations.

(1) **Permit Required.** As used in this section, a “charitable solicitations campaign” shall mean any course of conduct whereby any person, organization, society, association, corporation or any agent, member or representative thereof (except as indicated below), shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription or anything of value upon the statement or representation that such sale or solicitation or the proceeds therefrom are for a charitable, educational, patriotic or philanthropic purpose. It shall be unlawful to conduct any charitable solicitations campaign upon the streets or in any other public place within the Village, or by house to house canvass therein, unless the person, organization, society, association or corporation conducting the same and responsible therefor shall have first obtained a permit in compliance with the terms of this section; provided, however, that the provisions of this section shall not apply to any solicitations, campaign, organized or sponsored by the public school system serving the Village, or to the charitable solicitations campaign of any organization which solicits funds solely from its own members or from its own assemblies not using public streets or public places for such purposes, or to any church or religious congregation located within the Village which solicits funds for its own religious purposes.

(2) **Application.** A permit to conduct a charitable solicitations campaign on the streets or in any public place or by house to house canvass within the Village shall be granted only upon an application for such permit filed with the Village Clerk not less than 30 days prior to the commencement of the proposed charitable solicitations campaign. Such application shall contain the following information:

- (a) The full legal name of the organization applying for such permit and its address; if the organization is a chapter or other affiliate of an organization having its principal office outside the Village, the name and address of the parent organization shall be provided.
- (b) The purpose or purposes for which the gross receipts derived from the charitable solicitations or other activities are to be used.
- (c) The name and address of the person or persons who will be in charge of conducting the charitable solicitations campaign.
- (d) A statement of the method or methods to be used in conducting the charitable solicitations campaign.
- (e) The period of time within which the charitable solicitations campaign shall be conducted, including the proposed dates for the beginning and ending of the campaign.
- (f) The total amount of funds proposed to be raised.
- (g) The amount of all salaries, wages, fees, commissions, expenses and costs to be expended or paid to anyone in connection with such campaign, and the maximum percentage of funds collected which are to be used to pay such expenses of solicitation and collection.
- (h) A full statement of the character and extent of the charitable, educational, patriotic or philanthropic work done by the applicant within the Village during the last preceding year.
- (i) If the applicant is a 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 the State of Michigan.
- (j) If the applicant is a charitable corporation or other such organization, proof of its current status as an organization to which contributions are tax deductible for federal income tax purposes.

(3) **Conditions of Approval.** Upon receipt of a proper application as provided in this section, the matter of approval or disapproval of such application shall be considered by the Village Council. The Village Clerk shall notify the applicant of the time and place set for consideration of the matter. In its consideration of the approval or disapproval of the requested permit, the Village Council shall consider the following matters among others:

- (a) Whether one or more of the statements made in the application are untrue or materially misleading.
- (b) Whether the applicant or person in charge of the charitable solicitations campaign has made or caused to be made false statements or misrepresentations to any member of the public with regard to the campaign or other activities described in the application.
- (c) Whether the applicant’s fund raising expense in any charitable solicitations campaign conducted by it during any of three years immediately preceding the date of application exceeded 25% of the gross amount collected.
- (d) Whether the expected fund raising expense of the applicant in the proposed campaign will exceed 25% of the gross amount collected, based upon data concerning prior campaigns of the applicant and other available evidence.
- (e) Whether the applicant has failed to keep or observe any representation, statement or commitment with regard to the allocation of funds or methods of fund raising or solicitation made to the Village Council in connection with any previous application or permit.

(4) Issuance of Permit.

(a) By majority vote, the Village Council shall determine whether or not to issue the requested charitable solicitations permit. Any permit issued pursuant to such action shall be in writing and shall set forth all of the terms and conditions under which the proposed charitable solicitations campaign may occur. The minutes of the Village Council meeting shall reflect the reasons for the denial of any such permit.

(b) Any permit so issued shall indicate the period of time during which the proposed charitable solicitations campaign may be conducted. Such period shall not exceed three calendar months.

(5) **Transfer.** Any permit issued hereunder shall be personal to the applicant and shall not be assigned or transferred to any other person, firm, corporation or association. Any such attempted assignment or transfer shall render the permit void and of no further effect.

(6) **Revocation.** If after notice and hearing the Village Council shall determine and make findings of fact that any permit holder or any agent or representative thereof is making or has made any false statements or misrepresentations to any member of the public with regard to the campaign or other activities described in the permit, or has made false statements or misrepresentations in the application, or has in any way publicly represented that the permit granted is an endorsement or recommendation of a cause for which the campaign is being conducted, or has violated any of the terms of the permit, then the Village Council shall revoke the permit.

(7) **Fees.** By resolution the Village Council shall establish and shall charge a fee for an application for a permit under the terms of this section. Such fee shall be nonrefundable, and shall be paid by the applicant at the time of the filing of the application. The fee shall be charged for the purpose of helping to defray the costs incurred by the Village Council in the processing and consideration of the application.

(8) **Reports.** All persons or organizations issued permits under this section shall furnish to the Village Clerk, within 30 days after the charitable solicitations campaign has been completed, a detailed report and financial statement showing the amount of funds raised by the campaign, the amount expended in collecting such funds, including a detailed report of the wages, fees and commissions paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the campaign.

(9) **Agents or Permit Holders.** All persons to whom permits have been issued under this Ordinance shall furnish proper credentials to their agents and representatives for such charitable solicitations campaign. Such credentials shall include the name of the permit holder, the date, a statement describing the holder's charitable, educational, patriotic or philosophic activity, a description of the purpose of the solicitation, the signature of the permit holder and the name, address and signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permit holder. No person shall solicit under any permit granted under this section without such credentials and a facsimile copy of the permit in his possession. Such credentials and facsimile copy of the permit shall be shown upon request to all persons solicited and to any police officer of the Village or any member of the County Sheriff's Department. No agent or solicitor shall conduct or participate in any charitable solicitations campaign except under a valid permit issued in compliance with this section.

Section 1.6 Penalties.

(1) **Class I Civil Infractions.** Any violation of, or failure to comply with, the provisions of the Caledonia Code listed in this subsection (1) shall be a municipal civil infraction, for which the fine shall be \$15 for the first offense and \$50 for a subsequent offense, in addition to all costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within six months of a previous violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(k) Section 8.22, Charitable Solicitations.