



City Clerk's Office
3338 Coolidge Hwy.
Berkley, MI 48072
248-658-3300
Fax: 248-658-3301
www.berkleymi.gov

CITY OF BERKLEY, MICHIGAN

CHARITABLE SOLICITATION PERMIT APPLICATION

Event Name: _____

Event Date(s)

Location(s)

Event Hours

ORGANIZATION INFORMATION

Name:			
Street Address:			
City:	State:	Zip Code:	Phone:
Website:			

Tax Exempt Status (as defined by the U.S. Internal Revenue Service):

Non-Profit _____ 501(c)(3) _____ N/A _____ Other (specify) _____

CONTACT PERSON (Authorized Representative)

Name _____ Title _____ Phone _____

Email _____

AGENTS/OFFICERS OF ORGANIZATION

Name _____ Title _____ Phone _____

Address _____

Name _____ Title _____ Phone _____

Address _____

Name _____ Title _____ Phone _____

Address _____

Describe the type and purpose of the solicitation and how collected funds be used.

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The amount of wages, fees, commissions, expenses to be paid to any person in connection with the solicitation, together with the manner in which such wages, fees, expenses, commissions are to be paid:

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Estimated cost of the solicitation

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The following documents must be submitted with this application, pursuant to **Chapter 34 Charitable Solicitations, Article I** of the City of Berkley Code of Ordinance:

1. Internal Revenue Service tax exempt documentation for the organization
2. Organization's financial report for the preceding fiscal year
3. Proof of Commercial Liability Coverage on an "occurrence basis" with no less than \$500,000 per occurrence and/or combined single limit, Personal Injury, Bodily Injury, and Property Damage. The insured endorsement portion of the Certificate of Insurance must read EXACTLY as follows:
The City of Berkley, including all elected and appointed officials, all employees, and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers.
4. Charitable Solicitation Hold Harmless Agreement signed by an authorized representative of the organization.

If the above information cannot be furnished, please provide a detailed statement of the reason.

I hereby solemnly swear that no solicitor will be paid, either directly or indirectly, a salary, wage, commission or benefit for his/her service.

Applicant Signature

Print Name/Title

Date

For City Use Only

Approved by

Title

Signature

Date



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CHARITABLE SOLICITATION HOLD HARMLESS AGREEMENT

This Hold Harmless Agreement is between _____, (the Organization) and the City of Berkley, Michigan, (City) for the date(s) specified below.

Organization Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

Event Name _____

Event Location(s) _____ Event Date(s) _____

To the fullest extent permitted by law, the Organization expressly agrees to indemnify and hold harmless the City of Berkley, its elected and appointed officials, its employees and volunteers and others working on behalf of the City, from and against all loss, cost, expense, damage, liability or claims (whether groundless or not) arising out of bodily injury, sickness or disease (including death resulting at any time there from) which may be sustained or claimed by any person or persons participating in the above named event.

This includes damage or destruction of any property (including loss of use) based on any act or omission (negligent or otherwise) of the Organization or anyone acting on its behalf in connection with or incidental to this agreement. The Organization shall, at its own cost and expense, defend any such claim and any suit, action, or proceeding which may be commenced hereunder. In the event of any suit, action or proceeding, the Organization shall pay:

- Any and all judgments which may be recovered.
- Any and all expenses, including, but not limited to, costs, attorneys' fees and settlement expenses which may be incurred.

The Organization shall not be responsible to the City on indemnity for damages caused by or resulting from the City's sole negligence.

Authorized Representative _____ Title _____
(Please print)

Signature _____ Date _____



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CHARITABLE SOLICITATION

PERMIT APPLICATION DISPOSITION CHECKLIST

Event Name: _____

Event Date(s)

Location(s)

Event Hours

ORGANIZATION:

Organization Name: _____

Headquarters Street Address: _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Website: _____

Tax Exempt Status (as defined by the US Internal Revenue Service):

Non-Profit

501(c)(3)

N/A

Other (specify) _____

The following documents have been submitted:

Completed application _____ YES _____ NO

Valid IRS tax exempt verification _____ YES _____ NO

Financial report for the preceding fiscal year _____ YES _____ NO

Proof of Commercial Liability Coverage _____ YES _____ NO

Estimated cost to execute the solicitation / event _____ YES _____ NO

Charitable Solicitation / Special Event Hold Harmless Agreement _____ YES _____ NO

Application reviewed by: **Public Safety** _____ **Public Works** _____

Building Official _____

Comments:

Presented to City Council:

Date: _____

Approved: _____ YES _____ NO

Organization Notified _____ YES _____ NO



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TEMPORARY TRAFFIC CONTROL ORDER

(TCO NUMBER)

In accordance with the duly adopted Uniform Traffic Code for Cities, Townships, and Villages, the Traffic Engineer hereby issues the following Temporary Traffic Control Order.

Film Permit Applicant: *Please provide the information requested in the shaded area. Submit this page with your application.*

PROJECT NAME:	
Location	
DATE/S/TIMES:	
RESPONSIBLE PARTY:	
Name:	
Street Address:	
City/State/ZIP:	
Contact Phone:	
Email address:	

For Official Use Only:

Action required by City :	
<i>(Attach additional pages if needed)</i>	

Approved by: <i>(Print name and title below)</i>	Signature:	Date:
Public Safety		
Public Works		
Building Official		

****Original – Traffic Control File**

Submit completed form to City Clerk's Office

January 2017



CITY OF BERKLEY, MICHIGAN

CODE OF ORDINANCES

Chapter 34 - CHARITABLE SOLICITATIONS^{[11](#)}

Footnotes:

--- (1) ---

Cross reference— Businesses, ch. 30; peddlers and solicitors, § 30-431 et seq.

State Law reference— Charitable organizations and solicitations act, MCL 400.271 et seq., MSA 3.240(1) et seq.

ARTICLE I. - IN GENERAL

Sec. 34-1. - Definitions.

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

Person: Any individual, firm, copartnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

Solicit and solicitation: The request of money, credit, property, financial assistance or other thing of value by telephone, personal interview or otherwise on the plea or representation that such money, credit, property, financial assistance or other thing of value, or any part thereof, will be used for a charitable, religious, patriotic, civic, educational or philanthropic purpose. Such words shall also mean the placing of canisters for the receipt of money in business establishments of other public places. Such words shall also mean and include the sale or offer to sell any article, tag, ticket, emblem, publication, subscription or other thing, whether of value or not, on the plea or representation that such money, credit, property, financial assistance or other thing of value, or any part thereof, whether received by the solicitor or purchased by the buyer, will be used for a charitable, religious, patriotic, civic, educational or philanthropic purpose. Patriotic organization shall mean any veteran's organization incorporated under federal law.

(Code 1981, § 21-46; Ord. No. 7-94, § 3, 4-18-1994)

Cross reference— Definitions generally, § 1-2.

Sec. 34-2. - Exceptions to chapter provisions.

The provisions of this chapter shall not apply to solicitations conducted exclusively within the membership of an organization by its own officers and members.

(Code 1981, § 21-47)

Sec. 34-3. - Hours.

No person shall solicit between the hours of 9:00 p.m. and 8:00 a.m.

(Code 1981, § 21-48)

Secs. 34-4—34-35. - Reserved.

ARTICLE II. - PERMITS^[2]

Footnotes:

--- (2) ---

Cross reference— Licenses and permits generally, § 30-31 et seq.

Sec. 34-36. - Required.

No person shall solicit for any cause whatsoever within any public road, street, alley or right-of-way in the city without a permit from the city authorizing such solicitation.

(Code 1981, § 21-56; Ord. No. O-04-15, § 1, 9-21-2015)

Sec. 34-37. - Application.

Applications for permits under this chapter shall be filed with the city clerk upon forms to be furnished by the city. The application shall contain the following information, or in lieu thereof, a detailed statement of the reason why such information cannot be furnished:

- (1) Name, address, telephone number and headquarters of the person applying for the permit.
- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.
- (3) The purpose for which such solicitation is to be made and the use of disposition to be made of any receipts therefrom; or property purchased if the same is to be distributed by the solicitor.
- (4) The name and address of the person who will be in direct charge of conducting the solicitation.
- (5) An outline of the method to be used in conducting the solicitation.
- (6) The time when such solicitations shall be made, giving the proposed dates for the beginning and ending of such solicitations.
- (7) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any persons in connection with such solicitation, together with the manner in which such wages, fees, expenses, commissions or emoluments are to be expended, to whom paid and the amount thereof.
- (8) The estimate cost of the solicitation.
- (9) Satisfactory proof that the applicant organization is tax exempt, including a copy of a current (issued within the last 90 days) IRS determination or affirmation letter recognizing the applicant organization as tax exempt.
- (10) A financial statement for the preceding fiscal year.
- (11) Such other information as may be required by the city council for it to determine the kind of character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.

- (12) If information otherwise available to the city is deemed to be sufficient to make a determination pursuant to section 34-39, standards for granting, the city clerk is authorized to accept an application which does not contain all or any part of the information required under this section.
- (13) Proof of insurance with Commercial General Liability coverage on an "Occurrence Basis" with limits of liability not less than \$500,000.00 per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage.

(Code 1981, § 21-57; Ord. No. 7-94, § 3, 4-18-1994; Ord. No. O-04-15, § 1, 9-21-2015)

Sec. 34-38. - Filing false application.

It shall be unlawful for any person, knowingly, to file, or cause to be filed, an application with one or more false statements.

(Code 1981, § 21-58)

Sec. 34-39. - Standards for granting or denying.

The city may authorize the permit provided for in this article whenever it shall find the following facts to exist:

- (1) The applicant is a person or organization which is, as a matter of fact, engaged in charitable, patriotic, educational, philanthropic or religious activity, or engaged in raising funds for distribution to such persons or organizations.
- (2) The net proceeds over reasonable expenses, derived from the solicitations authorized under the permit shall be used exclusively for charitable, educational, patriotic, philanthropic or religious purposes.
- (3) None of the proceeds derived from the solicitations authorized by the permit will be divided in any manner with persons who actually make the solicitations.
- (4) The proceeds of the solicitations authorized by the permit will not be divided or in any manner shared, either directly or indirectly, with any person or organization other than the applicant for the permit, or the person or organization for whose benefit the solicitation is made.
- (5) There is compliance with the policy regarding the number and dates of solicitations as formulated from time to time by the city council.
- (6) The applicant is licensed in accordance with Public Act No. 169 of 1975, as amended (MCL 400.271 et seq.), if the provisions of such act are applicable.

(Code 1981, § 21-59; Ord. No. 7-94, § 3, 4-18-1994; Ord. O-04-15, § 1, 9-21-2015)

Sec. 34-40. - Issuance; form.

Permits issued under this chapter shall bear the name and address of the person by whom the solicitation is made, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the city of the purpose or of the person conducting the solicitation. All permits shall be signed by the city clerk. The dates within which the permit holder may solicit shall be determined by the city council; provided, however, that no permit shall grant the right to solicit for a longer period than one year from its date of issuance.

(Code 1981, § 21-60)

Sec. 34-41. - Transfer; use by more than one person.

Any permit approved and issued under this chapter shall be nontransferable; provided, however, that this shall not prevent any permittee from using any number of solicitors and representatives. No permit may be used by a child less than eight years of age. All persons soliciting under a permit issued under this chapter shall carry identification in such form as may from time to time be determined by the city council.

(Code 1981, § 21-61)

Sec. 34-42. - Issuance not endorsement by city.

No person shall represent that the granting of a permit under this chapter is an endorsement by the city of the particular organization involved, and any such representation is hereby declared to be a misrepresentation of fact and subject to the provisions for revocation of the permit as provided in section 34-43.

(Code 1981, § 21-62)

Sec. 34-43. - Revocation.

If, upon receipt of written information or upon their own investigation, the city council has reason to believe that any officer, agent or representative of a permittee under this chapter is misrepresenting facts or making untrue statements either with words or by implication, with regard to solicitations or the purposes thereof, or has made untrue statements in the application, or that in any other way the solicitations have been conducted, in violation of any part of this chapter and not in conformity with the intent and purpose of this chapter, then the city council shall immediately suspend such permit; provided, however, that before any permit is revoked, the city clerk shall cause to be mailed to the permit holder a notice that a hearing is to be had before the city council, and such notice shall be mailed or served upon the permittee personally or by certified mail, at least 24 hours before the hearing, and at such hearing the facts shall be ascertained and reported to the city council at its next meeting, and if it shall find any of the reasons above set forth for revoking the permit exist, the permit shall be revoked.

(Code 1981, § 21-63)