

**SAGINAW CHARTER TOWNSHIP
CODE OF ORDINANCES - CHARITABLE SOLICITATIONS
CHAPTER 46**

ARTICLE III. CHARITABLE SOLICITATIONS

*State law references: Charitable Organizations and Solicitations Act, MCL 400.271 et seq.

DIVISION 1. GENERALLY

Sec. 46-91. Exemptions.

(a) *Nonpecuniary profit organizations.* The provisions of this article shall not apply to any established society, association or corporation that is organized and operated exclusively for religious, philanthropic, benevolent, fraternal, charitable or reformatory purposes, and not operated for pecuniary profit, where:

- (1) No part of the net earning of which benefits any person, private shareholder or individual; and
- (2) The solicitation of such organization is conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation; or
- (3) Such solicitation is in the form of collections or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order or fraternity or similar organizations, or of any branch thereof.

(b) *School related youth activities.* Any group or individual associated with any school related youth activities such as Girl Scouts, Little League, soccer leagues, and Boy Scouts shall be exempt from the provisions of this article.
(Code 1986, § 3-04.05.02)

Sec. 46-92. Solicitor credentials.

All persons to whom licenses have been issued under this article shall furnish proper credentials to their solicitors for such solicitation.

- (1) *Content.* Such credentials shall include:
 - a. The name of the organization;
 - b. The name of the license holder;
 - c. The date;
 - d. A statement describing the holder's charitable or religious activity;
 - e. A description of the purpose of the solicitation;
 - f. The signature of the license holder or of the holder's chief executive officer;
 - g. The name, address, age, sex and signature of the solicitor to whom such credentials are issued; and
 - h. The specific period of time during which the solicitor is authorized to solicit on behalf of the license holder.
- (2) *Copy filed and approved by township clerk.* A copy of such credentials must be filed with the township clerk at the time the application for a license is filed

under this article and must be approved by him as conforming to the requirements of this section.

(Code 1986, § 3-04.05.07(D))

Sec. 46-93. Permitted hours of soliciting.

No person or organization shall conduct charitable or religious solicitations between the hours of 9:00 p.m. and 8:00 a.m.

(Code 1986, § 3-04.05.07(A))

Sec. 46-94. Records of donations and contributions.

No person shall solicit any contributions for any charitable or religious purpose for which a license is required by this article, without maintaining a system of accounting whereby all donations and all disbursements are entered upon the books or records of such person's treasurer or other financial officer.

(Code 1986, § 3-04.05.11)

Secs. 46-95--46-110. Reserved.

DIVISION 2. LICENSE

Sec. 46-111. Required.

It shall be unlawful for any person, agent, member, or representative thereof, directly or indirectly, to solicit money, donations of money, 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 on the plea or the representation that such sale or solicitation of the proceeds or any part thereof is for a charitable or religious purpose, on the streets, in any office or business building, by house to house canvass, or in any other public or private place or personal solicitation unless such person shall have a license issued in accord with this division.

(Code 1986, § 3-04.05.01)

Sec. 46-112. Application.

(a) An application for a license required by this division shall be made to the township clerk upon forms provided by the township. Such application shall contain the following information or, in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

- (1) The name, address or headquarters of the person applying for the license.
- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and also a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of the applicant's records.
- (3) The purpose and use for which such solicitation is to be made.
- (4) The name and address of the person who will be in direct charge of conducting the solicitation, and the names of all promoters connected or to be connected with the proposed solicitation.
- (5) An outline of the method or methods to be used in conducting the solicitation.
- (6) The time when such solicitation shall be made, giving the preferred dates for the beginning and ending of such solicitation.
- (7) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation, and the names and addresses of all such persons.
- (8) A statement to the effect that, if a license is granted, it will not be used or represented in any way as an endorsement by the township or by any department or officer thereof.

(9) A statement setting forth the state license number, if the applicant is required by the state to have a license. If a state license is not required, the reason why it is not required shall be stated.

(b) If, while any application is pending, or during the term of any license granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the township clerk in writing thereof within 24 hours after such change.

(c) No person shall, directly or indirectly, make or perpetrate any misstatement, deception, or fraud in connection with any application or report filed under this division.

(Code 1986, § 3-04.05.03)

Sec. 46-113. Investigation and issuance.

(a) The township clerk shall examine all applications filed under this division and shall make or cause to be made such further investigation of the application and the applicant as the township clerk shall deem necessary. The township clerk shall not issue a license required by this division, unless he finds:

- (1) That all of the statements made in the application are true.
- (2) That the control and supervision of the solicitation will be under responsible and reliable persons.
- (3) That the applicant has not engaged in any fraudulent transaction or enterprise.
- (4) That the solicitation will not clearly be a fraud on the public.
- (5) That the solicitation is prompted solely by a desire to finance the charitable or religious cause described in the application and will not be conducted primarily for private profit.
- (6) That if a state license is required a copy is supplied to the township clerk.

(b) A license required by this division shall be issued by the township clerk, when all of the provisions of this division have been complied with and when such issuance has been approved by the township clerk; provided that, such license shall not be issued until the credentials of the applicant's solicitors have been approved.

(Code 1986, §§ 3-04.05.04, 3-04.05.05)

Sec. 46-114. Content.

(a) Licenses issued under this division shall bear:

- (1) Name and address of the organization;
- (2) The name and address of the person by whom the solicitation is to be made;
- (3) The number of the license;
- (4) The date issued;
- (5) The dates within which the license holder may solicit; and
- (6) A statement that the license does not constitute an endorsement by the township or by any of its departments, officers or employees of the purpose or of the person conducting the solicitation.

(b) All licenses must be signed by the township clerk.

(Code 1986, § 3-04.05.06)

Sec. 46-115. Duration.

No license may grant the right to solicit longer than 30 days from its date, but the township clerk may extend any license for not more than 30 additional days, upon a showing that unnecessary hardship would be created by a failure to extend the original 30-day period.

(Code 1986, § 3-04.05.08)

Sec. 46-116. Nontransferable; return upon expiration.

Any license issued under this division shall be nontransferable and shall be returned to the township clerk within two days after its date of expiration, together with all facsimile copies thereof.

(Code 1986, § 3-04.05.09)

Sec. 46-117. Display.

No person shall solicit under a license issued pursuant to this division, unless he has, in his immediate possession, a facsimile copy of such license. A copy of the license must be shown upon the request of any person solicited or any police officer in the township.

(Code 1986, § 3-04.05.07(B), (C))

Sec. 46-118. Revocation.

Whenever it shall be shown or whenever the township clerk has knowledge that any person to whom a license has been issued under this division has violated any of the provisions of this division or has misrepresented the purpose of the solicitation, the township clerk may revoke the license by mailing a notice of revocation by certified mail to the licensee. The licensee shall have the right to appeal to the township board at their next regular meeting.

(Code 1986, § 3-04.05.10)

Secs. 46-119--46-150. Reserved.