

ORDINANCE NO. 28

Ordinance TO REGULATE ORGANIZATIONS, INSTITUTIONS, ASSOCIATIONS, OR PERSONS SOLICITING MONEY FROM THE PUBLIC FOR A CHARITABLE PURPOSE, TO REQUIRE A LICENSE THEREFORE, TO REQUIRE A FEE FOR REGISTRATION, AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF.

Effective August 1, 1977

THE TOWNSHIP OF AUSABLE ORDAINS:

SECTION 1 - DEFINITIONS

- a. “Charitable Organization” means a Corporation, institution, association or private person:
 - (1) That solicits or receives funds from the public upon the representation that they will be used for a charitable purpose and regardless of whether a “membership” or article of small value is given the donor.
 - (2) That from a central office promotes such solicitation by local groups and receives part of the gross proceeds.
- b. Soliciting Material means printed or similar material, including but not limited to labels, posters, brochures, or recordings used in soliciting funds from the public.

SECTION 2 - No agent, solicitor, canvasser or representative of any charitable organization required to be licensed under the provisions of this Ordinance shall solicit or receive donations or sell memberships, regardless of whether an article of small value is given the donor, without having first obtained a license to do so as provided herein.

SECTION 3 - Every charitable Organization shall file with the Township Clerk an application setting forth the name and location of the charitable organization, and if located outside of the Township of AuSable, the name and address of its local agent, the purpose for which it exists, the name of its principal officers and soliciting agents, the purpose for which money solicited is to be expended, and the terms under which solicitors are employed, a financial statement for the most recent fiscal year setting forth the gross amount of money received, the percentage of the gross amount actually expended for administration and other costs, the salaries paid to the ten highest paid officials and copies of all soliciting materials used in the most recent fiscal year. In addition, a photograph of each solicitor taken within 60 days immediately prior to the date of the filing of the application which picture shall be at least two inches by two inches showing the head and shoulders shall be filed; a fingerprint card completely filled out shall also be furnished with the application, including a statement as to whether or not any solicitor has been convicted of any crime, misdemeanor or violation of Municipal Ordinance other than traffic offenses, the nature of the offense and the punishment or penalty assessed therefore.

Each application shall be accompanied by a fee of \$100.00 and \$25.00 for each additional person who is proposed to be a solicitor.

SECTION 4 - Upon receipt of the application, the Township Clerk shall refer same to the Chief of Police who shall cause such investigation of the applicant and solicitors as he deems necessary for the protection of the public.

- a. The Chief of Police shall then endorse the application the results of his investigation as to each solicitor regarding their character, criminal record and any other matters, which have come to his attention. A copy of this report shall be given to the applicant for his review. Thereafter the Clerk shall forward said application to the Township Board of the Township of AuSable for its determination as to whether or not the application shall be approved and licenses issued.

SECTION 5 - The Township Board of the Township of AuSable shall not approve or authorize any licenses to be issued to any charitable organization not licensed under Act 68 of the Public Acts of 1915, as amended. Nor shall approval be given or licenses authorized, for any charitable organization or solicitor if the Township Board, based on the recommendation of the Chief of Police and/or application, deem it is contrary to the health, safety, and welfare of the residents of the Township of AuSable.

SECTION 6 - Every charitable organization and its solicitors shall be issued, after approval by the Township Board of the application as provided herein, an identification card with an expiration date not to exceed one year from the date of issue.

SECTION 7 - All solicitors are required to have in their possession and display to any police officer, or person, on request, the identification card, provided for herein.

SECTION 8 – REVOCATION OF LICENSE. Permits and licenses issued under the provisions of this Ordinance may be revoked by the Township Clerk or the Township of AuSable after notice and hearing for violation of any of the provisions of this Ordinance, or in addition, the following causes:

- A. Fraud.
- B. False statement contained in the application for license.
- C. Misrepresentation or false statement in the course of carrying on the business as a solicitor.
- D. Conviction of any crime or misdemeanor involving morale turpitude.

Notice of Hearing for revocation of a license shall be given in writing setting for the specifically the grounds of the complaint and time and place of hearing. Such notice shall be mailed First Class Mail to the address as shown on the application for license at least five days prior to the hearing.

SECTION 9 – APPEAL. Any person aggrieved of such action of the Township Clerk shall have the right to appeal to the Township of AuSable, Township Board. Such appeal shall be taken by the filing with the Township Clerk within ten days after decision has been rendered or has been mailed to such persons address as appears in the application for license, a written statement setting forth fully the grounds for the appeal. The Township Board shall set a time and a place for hearing of such appeal, a notice of such hearing shall be given to the petitioner at least five days prior to the hearing by ordinary mail. The decision of the Township Board on such appeal shall be final con conclusive.

SECTION 10 - All licenses issued under provisions of this Ordinance shall expire on the 31st day of December of the year issued.

SECTION 11 - Any or all of the requirements, conditions and procedures of this Ordinance may be waived by the Township Board, in its absolute discretion, upon a proper showing any applicant that they or it, meets the following minimum criteria:

1. That the applicant is and Exclusively local organization.
2. That the entire proceeds solicited will be used exclusively for the benefit of residents of the Township of AuSable.
3. That all solicitors are residents of the Township of AuSable.
4. That 50% or more of the member of the Charitable Organization are Residents of the Township of AuSable.
5. That the requirements of this Ordinance would create undue hardship of the applicant and state the reason therefore.

SECTION 12 – PENALTY. Any person, firm, corporation, association or partnership violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by fine not to exceed \$100.00 and/or by imprisonment not to exceed 90 days or both.

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 28 duly adopted by the Township Board of the Township of Au Sable, County of Iosco, Michigan, at a Regular Meeting held on August 1, 1977, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting.

I further certify that Member Rhea Matthews moved adoption of said Ordinance and that Member Mornelva Snitchler supported said motion.

I further certify that the following Members voted for adoption of said ordinance, Palmiter, Thomas, Matthews, Spencer, Snitchler and that the following Members voted against adoption of said ordinance. _____.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

TOWNSHIP of AuSable

Dated: August 1, 1977

Mornelva Snitchler
By: Mornelva Snitchler
Its: Clerk

DATED: August 1, 1977