

Permit # _____

TOWNSHIP OF SOUTH ORANGE VILLAGE
Application for Solicitation Permit
for Charitable, Benevolent, Religious or Patriotic Purposes
Application must be submitted to Village Clerk's Office at least 10 days prior to activity for processing
Village Code of South Orange [See Article III, §80-19 through §80-32]

Application Date: _____

Fee: No Fee

Period for which Permit is sought: Start ____/____/____ End: ____/____/____

[Cannot exceed 30 days]

Name of Non-Profit Corporation/Organization: _____

Name of Individual Completing Application: _____

Address: _____

Telephone Number: _____ Email Address: _____

Provide the Names and Addresses of Officers of Applicant Organization:

Officer 1: Name: _____ Title: _____

Address: _____

Officer 2: Name: _____ Title: _____

Address: _____

Officer 3: Name: _____ Title: _____

Address: _____

Officer 4: Name: _____ Title: _____

Address: _____

Purpose for Soliciting Permit: _____

Where will your organization be soliciting? (Please be Specific):

Will donations be received? Yes No

If "Yes," how will donations be received? _____

Items of expense, commissions, wages, or fees to be incurred or paid in connection with soliciting activities:

Item of Expense	Purpose
_____	_____
_____	_____
_____	_____
_____	_____

Names and address of person[s] who will be in direct charge of conducting the solicitation, are promoters connected with the solicitation activity, or will be solicitors. Attach additional sheet with names and addresses if necessary. [See §80-28 Credentials of solicitor.]

- | | |
|--|--|
| <p>1. Name: _____
Address: _____
_____</p> | <p>2. Name: _____
Address: _____
_____</p> |
| <p>3. Name: _____
Address: _____
_____</p> | <p>4. Name: _____
Address: _____
_____</p> |
| <p>5. Name: _____
Address: _____
_____</p> | <p>6. Name: _____
Address: _____
_____</p> |

CERTIFICATION:

By signing below, I do hereby certify and affirm that all statements contained in this application are true and, if a Permit is granted it will not be used or represented in any way as an endorsement by the Township of South Orange Village; or any department or officer thereof for the cause or purpose of the solicitation. The application also acknowledges that he/she has read the §80-14 and §80-19 through §80-31 of the Code of the Township of South Orange Village attached to this application.

Signature of Applicant

By signing below, I do hereby agree to make available any appropriate books, records and papers the Chief of Police or his duly designated representative shall deem necessary in order to investigate the application or to enable the Police Department to make its findings pursuant to Chapter 80, Section 24 of the Village Code of South Orange. [See §80-24 Recommendation of issuance of permit.]

Signature of Applicant

Applicant Checklist: Check all items submitted with this Application

- Completed Application
 - Attached copy of Certificate of Incorporation for Non-Profit
 - Attached copy of Registered Agent or agent whom service can be made on behalf of the Non-profit.
-

Office Use Only

- Application Complete
- Approval by Police Chief

Police Chief

Conditions of Approval, if any: _____

- Approval by Village Clerk

Village Clerk

Conditions of Approval, if any: _____

- PERMIT ISSUED ON:** ____ / ____ / ____ Permit Valid for 30 Days from Issuance Date

Permit issued by: _____
Authorized Signature

ARTICLE III - CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE

Solicitations for Charitable, Benevolent, Religious or Patriotic Purposes (§ 80-19 — § 80-32)

[Amended 11-24-2008 by Ord. No. 08-24]

§ 80-14 Unauthorized canvassing or soliciting. [Amended 11-24-2008 by Ord. No. 08-24]

No person shall canvass or solicit:

- A. Under any permit issued to him as a canvasser or solicitor for any other person, organization, society, association or corporation for whom or for which he is not, at the time of such canvassing or soliciting, a duly authorized canvasser or solicitor;
- B. Under any permit issued to him as the result of any material misrepresentation; or
- C. Under a permit not issued to him.
- D. In any business or commercial establishment located within the Township of South Orange Village, except with the expressed written approval of the owner or operator of that business or commercial establishment.
- E. After 9:00 P.M.
- F. At any residence whereon there is posted a notice “No-Knock”, “No Solicitation” or similar message.
- G. At any residence, the address of which appears on a No-Knock list, which list all canvassers and solicitors shall secure from the Village Clerk prior to any activity which is the subject of this article II or Article III. The Clerk shall maintain the No-Knock list provided for herein.

§ 80-19 Definitions. As used in this article, the following terms shall have the meanings indicated:

CANVASS- The act of approaching persons for the purpose of gathering information or opinions or to influence opinions.

CHARITABLE, BENEVOLENT, PATROTIC OR RELIGIOUS PURPOSE - shall have the meanings commonly attributed to such terms and includes, but shall not be limited to, the purpose of ministering to the material or spiritual needs of humans or of relieving suffering of animals and all forms of political speech.

DONATIONS- Includes money, goods, wares, merchandise or any other thing of value and contributions or financial assistance of any kind, whether given as a gift or an exchange for anything or object, entertainment, exhibition or other inducement to such donation.

PERSON- Any individual, nonprofit organization, religious group or order, or political party. Excluded from the definition are any and all for-profit entities.

PUBLICLY SOLICIT- Includes solicitations upon the streets, in any public place, by telephone or from building to building.

RELIGIOUS AND RELIGION -As used herein, shall not mean and include the word "charitable" as herein defined, but such words shall be given their commonly accepted definitions.

SOLICIT and SOLICITATION - The request, directly or indirectly, of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a political, charitable or religious purpose as those purposes are defined in this chapter.

SUBSCRIPTIONS- Includes payment of or promises to pay any sum of money or deliveries of or promises to deliver any goods, wares, merchandise or other things of value or rendering of or promises to render financial assistance of any kind, whether as a gift or an exchange for anything or object, entertainment, exhibition or other inducement to such subscription.

§ 80-20 Exemptions. [Amended 11-24-2008 by Ord. No. 08-24]

Except for the provisions of Sections 80-14E, 80-14F and 80-14G, all persons engaged in solicitation or canvassing for charitable, benevolent, religious or political purposes shall be exempt from the provisions of Article II of Chapter 80.

This article and its regulations shall not apply to:

- A. Any solicitation of funds or donations conducted by any bona fide charitable, benevolent, patriotic, religious or fraternal organization among its own member.
- B. Any solicitations conducted by the organizations of the Girl Scouts or Boy Scouts of America, provided that such solicitations are conducted by members or adult advisors in uniform.
- C. Any solicitations conducted by South Orange youth and adults seeking support of recreation programs to be carried out and conducted in South Orange, such as Little League Baseball, etc.
- D. Any charitable campaign or solicitation conducted or to be conducted within the village, approved by the Board of Trustees or its delegate, appointed by a resolution duly adopted by the Board of Trustees.

§ 80-21 Permit required.

No person shall publicly solicit donations or subscriptions for any charitable, benevolent, patriotic or religious purpose in the village without having a permit therefor issued by the Village Clerk as hereinafter provided in this Article.

§ 80-22 Application for permit.

An application for a permit to solicit as provided by § 80-21 of this chapter shall be filed with the Village Clerk upon forms provided by the Township of South Orange Village. **Such application shall be sworn to and filed with the Clerk at least 10 days prior to the time at which the permit applied for shall become effective;** provided, however, that the Clerk may, for good cause shown, allow the filing of an application less than 10 days prior to the effective date of the permit applied for.

§ 80-23 Examination of applications; notification of denial.

Upon receipt of a complete application, the Village Clerk shall forward same to the Chief of Police for processing. The Chief of Police or his duly designated representative shall take all necessary steps to investigate the application and the applicant so as to enable the Police Department to certify to the truth or falsity of the facts set forth in the application and so as to enable the Department to make the findings set forth in § 80-24. Upon request, the applicant shall make its appropriate books, records and papers available to the Chief of Police or his representative for inspection. Upon completion of the investigation, the Chief of Police or his representative shall notify the applicant by certified mail of the results of the same. Any recommendation of denial shall set forth the reasons for said denial. If the Chief of Police shall fail to mail such notification within 10 working days after the filing of the application, such failure shall be deemed a denial of the application subject to appeal as are all other denials.

§ 80-24 Recommendation of issuance of permit.

The Chief of Police shall recommend to the Village Clerk the issuance of a permit whenever the following facts are found to exist:

- A. That all the statements made in the application are true.
- B. That the applicant is of good character and has a reputation for honesty and integrity or, if the applicant is not an individual person, that every managing officer or agent of the applicant who is to conduct the solicitation is of good character and has a reputation for honesty and integrity.
- C. That the control and supervision of the solicitation will be under responsible and reliable persons.
- D. That the applicant has not engaged in any fraudulent transaction or enterprise.
- E. That the solicitation will not be a fraud on the public.
- F. That the solicitation is prompted solely by a desire to finance the charitable, benevolent, patriotic or religious cause described in the application and will not be conducted primarily for private profit.

§ 80-25 Issuance of permit; term.

- A. The permit, if recommended by the Chief of Police, shall be issued by the Village Clerk to the applicant, without the payment of any fee.
- B. The permit shall be issued for any period stated therein not exceeding 30 days.

§ 80-26 Hearings; appeals.

Within five days after receiving notification that an application for a permit to solicit under this chapter has been denied, any applicant may file a written appeal seeking a public hearing on the application before the Village Administrator. Said appeal shall set forth in detail written exceptions to the findings of fact upon which the Chief of Police based his recommendation of denial. Upon the filing of such an appeal, the Village Administrator shall fix a time and place for the hearing of same and shall notify the applicant thereof. The hearing shall be held within five days after the appeal is filed. Within 10 days after the conclusion of the hearing, the Village Administrator shall render a written report either granting or denying the application for permit. In this report, the Village Administrator shall state the facts upon which his decision is based. A copy of said report shall be delivered to the applicant, the Chief of Police and the Village Clerk.

§ 80-27 Permit requirements.

Permits issued under this chapter shall bear the name and address of the applicant by whom the solicitation is to be made, the number of the permit, date issued, the dates within which the permit holder may solicit, a statement that the permit does not constitute an endorsement by the Township of South Orange Village or by any of its departments, officers or employees of the purpose or of the persons conducting the solicitation and a certification that the applicant has received a copy of this chapter. All permits must be signed by the Village Clerk. No permit may grant the right to solicit longer than 30 days.

§ 80-28 Credentials of solicitor.

All persons to whom permits have been issued under this chapter shall furnish proper credentials to their agents and solicitors for such solicitation. Such credentials shall include the name of the permit holder, the number of the permit, the date of the issue, a statement describing said holder's charitable, benevolent, patriotic or religious activity, a description of the purpose of the solicitation, the signature of the permit holder or of the holder's chief executive officer and the name, address, age, sex and signature of the solicitor to whom such credentials are issued and the specific period of

time during which said solicitor is authorized to solicit on behalf of the permit holder. A copy of such credentials must be filed with the application for a permit and must be approved as conforming to such requirements of this section by the Village Clerk before such permit is issued. No person shall solicit under any permit granted under this chapter unless said solicitor has in his possession the credentials required by this section and a facsimile copy of the issued permit. Said credentials facsimile copy of the permit must be shown, upon request to any police officer of the village and to all persons solicited.

§ 80-29 Suspension of permit.

Whenever the Village Administrator shall have probable cause to believe that any person to whom a permit has been issued under this chapter, or that any promotor, agent or solicitor of a permit holder has violated any of the provisions of this chapter or has misrepresented the purpose of the solicitation, the Village Administrator shall immediately suspend the permit and give the permit holder written notice by certified mail of a hearing to be held within two days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the Village Administrator has acted in suspending the permit. If, after such hearing, the Village Administrator finds that the chapter has been violated or that the purpose of the solicitation has been misrepresented, he shall, within two days after the hearing, revoke the permit and give the applicant written notice of the revocation and the reasons therefor. Any conviction of the permit holder, its employees, agents or representatives of a violation of any provision of this chapter shall be prima facie grounds for revocation.

§ 80-30 Misrepresentation.

No person shall, directly or indirectly, solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the Township of South Orange Village or in any application or report filed under this chapter.

§ 80-31 Hours of solicitation.

No person shall conduct any solicitation for any charitable, benevolent, patriotic or religious purpose which involves going from house to house except during daylight hours. This prohibition shall not apply if the solicitor has, prior to going to the home or building involved, made an arrangement or an appointment with the owner or manager which allows such non daylight hours solicitation.