

City of Henderson, Kentucky
Bucket Shake Solicitation Permit

Sponsoring Agency _____ Telephone _____

Address _____ State _____ Zip Code _____

Contact Person/Title _____ Telephone _____

KY Attorney General Registration _____ Tax Exempt # _____

Federal Tax ID # _____ KY Tax ID # _____

Insurer _____ Coverage Level _____

Date(s) Requested: _____

- Locations Requested: Fifth & Elm (OR) 12th & Elm
(please mark) Washington & Main
 Sand Lane & Main
 Clay & Letcher
 Green River Road & Watson Lane
 Clay & Atkinson

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I attest the above information is true and correct to the best of my knowledge. I fully understand that falsification of this application will result in a revocation of the permit without refund of fee, and could result in the filing of criminal charges. I have been provided with a copy of Chapter 18, Article III, of the Henderson Code of Ordinances regarding solicitation procedures. I understand a background check will be conducted, including but not limited to the Kentucky Attorney General's Office, the Kentucky Better Business Bureau (BBB), and the Attorney General's Office and Better Business Bureau of your home state. A criminal wanted check of all solicitors will likewise be made.

SIGNATURE OF APPLICANT _____ **DATE** _____

(Do not write below this line)

- Request made for a Friday, Saturday, and/or city-celebrated holiday
 Proof of General Liability Insurance naming City as additional insured provided (\$500,000 / 1,000,000)
 Date(s) do not conflict with other bucket shake permits issued (only one organization per day)
 Total number of permit days issued to agency this calendar year _____ (maximum four)

Number of days for this permit: _____ @ \$5.00 per day: \$ _____

Receipt Number: _____

APPROVALS:

City Clerk: _____

Police Department: _____

City Manager: _____

City of Henderson - Code of Ordinances
CHAPTER 18, PEDDLERS AND SOLICITORS
ARTICLE III. CHARITABLE SOLICITATIONS

DIVISION 1. GENERALLY

Section 18-46. Definition: As used in this article, the term "charitable solicitations campaign" shall mean any course of conduct whereby any person, organization, society, association, corporation or any agent, member or representative thereof (hereafter in this article called "solicitor") 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 any thing of value on the plea or representation that such sale or solicitation or that proceeds therefrom are for a charitable, educational, patriotic, religious or philanthropic purpose.

Section 18-47. Credentials: All solicitors to whom permits have been issued under this article shall furnish proper credentials to their agents and members for such charitable solicitations campaign. Such credentials shall include the name of the permit holder, the date, a statement describing the holder's chief executive officer, and the name and signature of the agent to whom such credentials are issued and the specific period of time during which the agent is authorized to solicit on behalf of the permit holder. The credentials shall also state prominently whether or not the contribution will be tax deductible to the donor.

Section 18-48. Unlawful methods: The following methods of solicitation are and shall be prohibited within the city:

- (1) By telephone by persons employed and paid primarily for that purpose;
- (2) By means of coin or currency boxes or receptacles, except:
 - (a) When each box or receptacle is serially numbered; and
 - (b) When such box or receptacle is the responsibility of a bona fide member, agent or member of the soliciting organization; and
 - (c) When such responsible person is required to pick up each box or receptacle at the end of the solicitation period; and
 - (d) When the use of and the number of such boxes is indicated on the form.

Section 18-49. Nonliability of employees: All of the regulations provided for in this article are hereby declared to be governmental and for the benefit of the general public. Any member of the board of commissioners, or any city official or employee, or any person charged with the enforcement of this article, acting for the city in the discharge of his duties, shall not thereby render himself personally liable, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any such official or employee because of such act performed by him in the enforcement of any provision of this chapter shall be defended by the city attorney until the final adjudication of the proceedings.

DIVISION 2. PERMIT

Section 18-56. Required; exemption: It shall be unlawful to conduct any charitable solicitations campaign on the streets or in any public place or by house to house canvass in the city (whether by person, telephone or mail) unless the person conducting same and responsible therefor shall first have obtained a permit in compliance with the terms of this article; provided, however, that the provisions hereof shall not apply to any solicitor that has an income tax exemption from the Internal Revenue Service for charitable, religious or educational purposes, when it solicits from its own members or from its own assemblies not using public streets or public places for such purposes.

Section 18-57. Registration form: Prior to conducting a subject charitable solicitations campaign, or campaigns, a solicitation registration form must be completed in full and filed with the city clerk and the police department not less than thirty (30) days prior to initiation of the campaign, or campaigns. A solicitor may utilize the form for more than one subject charitable solicitations campaign except any campaign utilizing a professional agency or professional solicitor, whereby the professional retains at least fifty (50) percent of gross funds raised, shall require a separate registration. Such form shall contain the format as kept on file in the clerk's office.

Section 18-58. Issuance; fee; term: Upon completion in full of the form and submission thereof prior to the minimum thirty (30) day period, and upon payment to the city clerk of a five dollar (\$5.00) registration fee, the city clerk shall issue a permit to conduct a charitable solicitations campaign, or campaigns, for the period and in the manner set forth in the submitted form. Such period shall not exceed twelve (12) consecutive months.

Section 18-59. Transfer: The permit shall be personal to the solicitor and shall not be assigned or transferred.

Section 18-60. Responsibility for acts under permit: The recipient of a permit for a charitable solicitations campaign shall be responsible for the acts of his authorized representatives in connection with such campaign.

Section 18-61. Forms and permits as public records: All forms and permits issued under this division shall be public records.

Section 18-62. Charitable solicitation bucket shakes:

- (a) Charitable organizations wishing to use a bucket shake as a means of solicitation must seek and obtain a charitable solicitation permit.
- (b) No such permit shall be issued unless the charitable organization provides proof that it has in force general liability insurance in the minimum amounts of \$500,000 / \$1,000,000 naming the City of Henderson as an additional insured.
- (c) No person shall stand or walk upon a road or highway for the purpose of soliciting contributions unless that person is at least 18 years of age and is wearing a safety vest containing reflective material.
- (d) Charitable solicitations by bucket shakes shall be limited to the hours of 2:00 p.m. to 6:00 p.m. on Fridays, 10:00 a.m. to 2:00 p.m. on Saturdays, and 10:00 a.m. to 2:00 p.m. on city-celebrated holidays. In no event shall such charitable solicitations be conducted after sunset on any day.
- (e) Bucket shakes shall not be conducted on state or federal highways and shall be allowed only at certain specified locations within the City to be designated from time to time by resolution of the Board of Commissioners.
- (f) Charitable organizations shall be limited to four (4) solicitation permits for bucket shakes per calendar year. Each permit shall be valid for one (1) day of solicitation.