

City of Flushing
COUNCIL POLICY STATEMENT

General Subject: Donation Solicitation in the Street Right of Way
Policy No. 2015-02

Date Adopted: August 10, 2015
Effective Date: August 10, 2015

Purpose:

Provide rules and regulations for soliciting donations in the street right of way for the purpose of raising money to benefit nonprofit / charity organizations as defined by the IRS.

Section 1: Number of Days

No more than one weekend per month shall be designated for the purpose of soliciting in the right of way. Weekends shall be defined as Friday, Saturday and Sunday.

Section 2: Eligible Locations

Solicitations within the street right of way are allowed at the following intersections within the City of Flushing:

Coutant Street & McKinley Road
Cherry Street & Main Street
Maple Street & Main Street

Section 3: Application for Permit

Applications for a permit to hold a solicitation day must be signed and submitted to the City Council on an application form provided by city administration. The application shall be accompanied by a certification signed by the appropriate officer or agent, in which the applicant's board of directors or trustees has authorized the applicant and has accepted full responsibility for the conduct of its solicitors.

Section 4: Applicant Requirements

The issuance of a permit shall be conditional upon the applicant's agreement to the following covenants, which agreement shall be expressed in the application and implied in the acceptance of the permit:

1. Applicant will indemnify the city and its officers, agents, employees and Councilmembers and hold them harmless from any and all loss or damage growing out of activities of the applicant and its solicitors.

2. In the event of lawsuit against the city for alleged injury, loss, or damage to any person or property directly or indirectly growing out of such solicitation activity, the applicant will file a timely appearance and appropriate defensive pleadings and will not permit entry of default judgment.
3. Nothing contained in the application shall be construed to prohibit the city from entering an appearance in its own behalf through its own legal counsel in the event the City Council should consider it prudent to do so in order to protect the city's interest and the costs incident to such action shall be borne by the applicant.
4. Applicant will be required to file a proof of liability insurance in the amount no less than \$1 million for each occurrence and \$1 million general aggregate. The proof of liability insurance must include the City of Flushing as a certificate holder and additional insured.
5. Solicitors within the street right of way must wear identification that indicates the charity / nonprofit that they are collecting for, be 18 years of age or older and wear a reflective vest.

Section 5: Prohibited Activities

1. No solicitation in the street right of way shall be conducted on Sundays or national holidays.
2. No solicitation shall occur when special events, parades or festivals are scheduled in the Central Business District (downtown).
3. No solicitation shall occur before dawn and after dusk.

Section 6: Incorporated Guidelines and Termination

1. The City Police Chief shall provide guidelines for the conduct of solicitation in the street right of way, which shall be followed by the applicant and their volunteers.
2. The City Police Chief or their duly authorized agent shall stop any and all solicitation activities whenever the guidelines are not observed or unforeseen circumstances cause them to consider such activities to have become hazardous or dangerous to public health and safety.