

## **Jacques, Robert**

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**From:** Samuel N Dorf [REDACTED]  
**Sent:** Wednesday, September 18, 2024 11:13 AM  
**To:** Turben, Leigh; Jackson, Healy  
**Subject:** Thank you for attending talk at UD and follow up

Dear Leigh and Healy,

I wanted to thank you both for attending the event at UD earlier this month. I hope you found the talk and conversation as fascinating as I did.

I also wanted to see if you were interested in connecting with any of the participants at the event. In particular, Kelly Fishman, director of our region's ADL office has developed a menu of sample local ordinances and legislation that can be powerful tools in the fight against hate and extremism.

I am more than happy to make that introduction if you wish.

Yours,  
Sam Dorf

--  
Samuel N. Dorf, PhD  
Alumni Chair in the Humanities  
Professor of Music  
University of Dayton

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*No one has to do everything. Everyone has to do something...What's your GREEN DOT?*

## **Jacques, Robert**

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**From:** Samuel N Dorf <[REDACTED]>  
**Sent:** Monday, September 23, 2024 11:17 AM  
**To:** Jackson, Healy  
**Subject:** Re: Thank you for attending talk at UD and follow up  
**Attachments:** Fighting Hate on Main Street - Municipal Toolkit - Model Ordinances (September 2023) (2).pdf

Hi Healy,

Here are a few sample ordinances. I strongly encourage meeting with ADL's Kelly Fishman ([REDACTED]) and James Pasch ([REDACTED]) to learn more about how these ordinances have been used in the past and how to shape them for our community.

Do not hesitate to reach out if you have any questions.

S

On Sun, Sep 22, 2024 at 3:14 PM Jackson, Healy <[REDACTED]> wrote:

Dear Sam,

Both Tom and I were glad we were able to attend the UD event. Everything was well presented and informative. You attracted a large audience! Congrats!

Yes, I'd be interested in receiving a copy of the "menu of sample local ordinances and legislation" Kelly Fishman has assembled. I don't feel the need to meet her at this time. I'd be ill prepared.

I hope you are completely settled into your new home. At a recent block party, I ran into Mrs. Roberts, our former 101 Oak Knoll neighbor. It made me think of you.

Best wishes,

Healy

Sent from my iPad

On Sep 18, 2024, at 5:13 PM, Samuel N Dorf <[REDACTED]> wrote:

Dear Leigh and Healy,

I wanted to thank you both for attending the event at UD earlier this month. I hope you found the talk and conversation as fascinating as I did.

I also wanted to see if you were interested in connecting with any of the participants at the event. In particular, Kelly Fishman, director of our region's ADL office has developed a menu of sample local ordinances and legislation that can be powerful tools in the fight against hate and extremism.

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# **Fighting Hate on Main Street**

## **Municipal Toolkit**

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Model Ordinances re:  
Overpass Banners, Laser Projections, Graffiti,  
Overnight Solicitation and Canvassing and Other  
Ethnic Intimidation Conduct

**Disclaimer:**

*\*\*The draft ordinances are designed to be a baseline resource. They are not tailored for any specific jurisdiction, given the vast differences in legal frameworks that exist at the state and local level. It is therefore imperative that cities, towns, counties, and states consult with their legal counsel to determine and evaluate the parameters of any state preemption issues, any existing laws or ordinances that already regulate the conduct addressed, and any other relevant state statutory or constitutional parameters, before considering adoption of any of the below model ordinances. This toolkit is not intended to and does not provide legal advice or guidance.\*\**

## **INDEX**

- 1 - Model Ordinance re: Highway Overpass Banners
- 2 - Model Ordinance re: Projected Images
- 3 - Model Ordinance re: Graffiti
- 4 - Model Ordinance re: Overnight Time Restrictions on Door-to-Door Solicitation and Canvassing

## **MODEL ORDINANCE #1 – OVERPASS BANNERS**

CONTENT NEUTRAL BAN ON AFFIXING BANNERS AND SIGNS TO HIGHWAY OVERPASSES – Developed with reference to City of Madison, WI C.O. Section 31.045(4)(j) and City of Cleveland, OH Codified Ordinance Section 623.131.

- (A) No person shall affix, hang, install, or attach in any manner any banner or sign of any kind on any portion of a vehicular or pedestrian bridge or overpass, including any sidewalks and fences, that passes over a freeway or expressway as defined in [include reference to state code definition of “freeway or expressway”] or a controlled access highway as defined in [include reference to state code definition of “controlled access highway”], when such highway has a speed limit of more than 35 miles per hour, whether the highway is under the jurisdiction of the federal, state or local government. Any sign or banner affixed, hung, installed, or attached to a bridge or overpass in violation of this section that is visible from the freeway or expressway is a public nuisance which may be removed by the authority having jurisdiction over the highway over which the banner or sign hangs or is displayed.
- (B) For purposes of this section, “banner” shall mean a piece of cloth or other material upon which a message, logo or both is imprinted, painted or otherwise affixed.
- (C) Whoever violates the provisions of this section shall be guilty of a minor misdemeanor, and shall be liable for civil penalties in the amount of \$\_\_\_\_ per day.
- (D) In addition to the civil and criminal penalties set forth above, the City shall have the right to seek injunctive relief to enjoin any further or continuing violations of this section.
- (E) A violation of this section is deemed a criminal act for purposes of any state law that authorizes the recovery of personal or property damages or equitable relief by a person injured by a criminal act.

**ALTERNATIVE ORDINANCE: CONTENT NEUTRAL BAN ON ALL BANNERS AND SIGNS, INCLUDING HAND-HELD SIGNS, ON HIGHWAY OVERPASSES** – Modeled based upon Madison, WI Codified Ordinance Section 31.045(4)(j) and Cleveland, OH Codified Ordinance Section 623.131.

(A) No person shall display, place, erect, post, affix, hang, install, or attach any banner or sign of any kind on any portion of a vehicular or pedestrian bridge or overpass, including any sidewalks and fences, that passes over a freeway or expressway as defined in [include reference to state code definition of “freeway or expressway”] or a controlled access highway as defined in [include reference to state code definition of “controlled access highway”], when such highway has a speed limit of more than 35 miles per hour, whether the highway is under the jurisdiction of the federal, state or local government. Any banner affixed, hung, installed, or attached to a bridge or overpass in violation of this section that is visible from the freeway or expressway is a public nuisance which may be removed by the authority having jurisdiction over the highway over which the banner or sign hangs or is displayed.

(B) Whoever violates the provisions of this section shall be guilty of a minor misdemeanor, and shall be liable for civil penalties in the amount of \$\_\_\_\_per day.

(C) In addition to the civil and criminal penalties set forth above, the City shall have the right to seek injunctive relief to enjoin any further or continuing violations of this section.

(D) A violation of this section is deemed a criminal act for purposes of any state law that authorizes the recovery of personal or property damages or equitable relief by a person injured by a criminal act.

## **MODEL ORDINANCE #2 – PROJECTED IMAGES**

PROJECTED IMAGES – Modeled on Jacksonville FL Codified Ordinance Section 656.1309.

- (A) Projections of light, projections of laser beams, or projections of any other type to form text, graphics, logos, or artwork onto streets, walkways, fences, sign structures, land or water surfaces, or exterior walls or other exterior portions of buildings or any other structure, without the permission or consent of the owner or occupant of the property, are prohibited.
- (B) Any violations of this section shall constitute a \_\_\_\_\_ degree misdemeanor, and shall be subject to a civil penalty of \$\_\_\_\_ per day.
- (C) In addition to the civil and criminal penalties set forth above, the City, or any owner or occupant of a property that is the subject of any violation, shall have the right to seek injunctive relief to enjoin any further or continuing violations of this section.
- (D) A violation of this section is deemed a criminal act for purposes of any state law that authorizes the recovery of personal or property damages or equitable relief by a person injured by a criminal act.

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## **ALTERNATIVE ORDINANCE: CRIMINAL OFFENSE FOR PROJECTING IMAGES WITH OPTIONAL BIAS ENHANCEMENT**

CRIMINAL MISCHIEF; PROJECTED IMAGES – Modeled on Florida Statutes Section 806.13

- (A) No person shall intentionally project, using any medium, any image onto a building, structure, or other property without the consent of the owner or occupant of the building, structure, or other property. For purposes of this subsection, the term “image” means a visual representation or likeness of a person or object, including text, graphics, logos, other artwork, or combination thereof.
- (B) A person who violates this section commits a misdemeanor of the first degree, and shall be subject to a civil penalty of \$\_\_\_\_ per day. Moreover, any equipment used in furtherance of this crime may be seized by the City’s Police Department and forfeited to the City.
- (C) In addition to the civil and criminal penalties set forth above, the City, or any owner or occupant of a property that is the subject of any violation, shall have the right to seek injunctive relief to enjoin any further or continuing violations of this section.
- (D) A violation of this section is deemed a criminal act for purposes of any state law that authorizes the recovery of personal or property damages or equitable relief by a person injured by a criminal act.

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[Optional enhancement based on “credible threat”]

(E) A person who violates this section by displaying or projecting an image that contains a credible threat with malicious intent to harass, threaten, or intimidate another person or group, as defined below, commits a felony of the third degree.

(F) “Credible threat” means any threat that places the person or group who is the target of the threat in reasonable fear for their physical safety or the physical safety of their family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat, only that the person had the subjective intent to cause reasonable fear in another person or group or consciously disregarded a substantial risk that the communication would be viewed as threatening violence.

[Optional enhancement based on bias]

(G) Any person who violates this section and intentionally selects the property with malicious intent to harass, threaten, or intimidate any person or group associated with the property based upon the person’s or group’s actual or perceived race, color, religion, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, gender expression, or disability commits a felony of the third degree.

## **MODEL ORDINANCE #3 - GRAFFITI**

GRAFFITI – Developed with reference to City of Columbus, Ohio Section 2331.08, Section 2309.27, and Section 4501.155.

- (A) No person shall intentionally cause, apply, or create graffiti upon another's property, without their permission or consent. A violation of this section shall be a misdemeanor of the first degree.
- (B) "Graffiti" means any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any building, bridge, fence, gate, rock, structure, wall or other property that defaces, damages or destroys any public or private, real or personal property, without the privilege to do so.
- (C) Any person who violates this section and intentionally selects the property that is defaced, damaged, or destroyed with malicious intent to harass, threaten, or intimidate another person or group based upon the person's or group's actual or perceived race, color, religion, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, gender expression, or disability commits a felony of the third degree.
- (D) In addition to the criminal penalties set forth above, the City, or any owner or occupant of the property that is the subject of a violation, shall have the right to seek injunctive relief to enjoin any further or continuing violations of this section.
- (E) A violation of this section is deemed a criminal act for purposes of any state law that authorizes the recovery of personal or property damages or equitable relief by a person injured by a criminal act.

## **MODEL ORDINANCE #4 – OVERNIGHT SOLICITING AND CANVASSING**

### **OVERNIGHT TIME RESTRICTIONS ON DOOR-TO-DOOR SOLICITATION AND CANVASSING – Developed based upon City of Santa Cruz, CA Code Chapter 5.40**

#### **1.10.01 PURPOSE AND INTENT.**

The purpose of this chapter is to set forth minimum regulations for solicitors and canvassers who enter upon private property for the purpose of selling goods, wares, merchandise or services, or to solicit donations or to canvass for political or other not-for-profit purposes; to protect privacy and safety overnight; and to balance the rights and interests of those engaged in door-to-door soliciting and canvassing activities with the rights and interests of those who do not wish to be disturbed by such activities on their private property.

#### **1.10.02 DEFINITIONS.**

The following definitions shall be used in the interpretation, construction, application and enforcement of this chapter:

(a) “Person” means any person over the age of 18, firm, corporation, association, club, society or other organization.

(b) “Solicitor” means any person over the age of 18 who goes upon the premises of any private residence in the city, not having been requested, invited, or given permission by the occupant thereof:

- (1) For the purpose of taking or soliciting donations;
- (2) For the purpose of taking orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery; or
- (3) For the purpose of selling services to be performed at that time or in the future.

(c) “Canvasser” means any person who goes upon the premises of any private residence in the city, not having been requested, invited, or given permission by the occupant thereof, for the purpose of either acquiring information from or disseminating information to the occupant(s) of the premises, whether directly to the occupant(s) or by leaving written or printed material anywhere upon the premises, including but not limited to doing so for charitable, political, or other not-for-profit purposes.

#### **1.10.03 SOLICITATION AND CANVASSING ON PREMISES UNLAWFUL WHERE SIGN PROHIBITING SUCH ACTIVITY**

It shall be unlawful for any person to conduct soliciting or canvassing activity on any residential premises where, posted at the entry to the premises or at the entry to the principal building on the premises there is a sign that is visible from the public way prohibiting any such activity.

#### **1.10.04 HOURS OF SOLICITATION AND CANVASSING.**

It shall be unlawful for any person to conduct soliciting or canvassing activity on any residential

premises between the hours of 9:00 p.m. and 7:00 a.m.

**1.10.05 EXCEPTIONS.**

The provisions of this chapter shall not apply to officers or employees of the city, county, state, or federal government, or any subdivision thereof, when on official business.

**1.10.06 SOLICITING AND CANVASSING – VIOLATIONS.**

Any violation of the provisions of this chapter shall constitute a civil infraction in the first instance. Any second or subsequent violation of the provisions of this chapter on a separate date within one year of the first violation shall constitute a misdemeanor. In addition to any other available remedies and penalties, any misdemeanor violation(s) may be subject to a fine of not less than \$25.00 nor more than \$100.00 for each offense; and a separate offense shall be deemed committed for each individual private residence or the premises upon which a violation or occurs or continues.

**1.10.07 INJUNCTIVE RELIEF**

In addition to the penalties set forth above, the City, or any owner or occupant of a property that is the subject of any violation, shall have the right to seek injunctive relief to enjoin any further or continuing violations of this section.