
Fighting Hate on Main Street

Municipal Toolkit

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.

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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.