

ORDINANCE NO. 32-2025

AN ORDINANCE AMENDING CHAPTER 28 "SOLICITATIONS," ARTICLE II, "PERMIT," SECTION 28-21 "DENIAL" & SECTION 28-22 "REVOCATION" OF THE CODE OF THE CITY OF ABILENE, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the protection of Abilene citizens is paramount when granting a permit to an person for door-to-door solicitation, and persons who pose a threat to public safety should be regulated regarding granting such a permit to solicit; and

WHEREAS, the City's current ordinance regulating door-to-door solicitation regulates "canvassing", "solicitation", and "peddling", thus basing its regulation of protected speech on the kind of message conveyed by such protected speech; and

WHEREAS, the purposes of Chapter 28 of the Code of Ordinances, namely the protection of citizens from criminal activity, uninvited solicitors, and protection of the public health, safety, and welfare, may be accomplished by amending said chapter; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 28, "Solicitations," Article II, "Permit," Section 28-21, "Denial," and Section 28-22, "Revocation," of the Code of Ordinances of the City of Abilene, Texas, are hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

PASSED ON FIRST READING this 27th day of March, 2025.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 6th day of April, 2025, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 10th day of April, 2025, to permit the

public to be heard. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 10th day of April, 2025.

ATTEST:

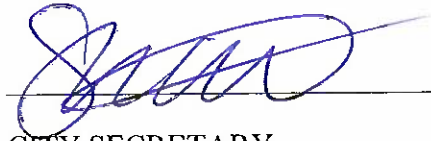



CITY SECRETARY
MAYOR
CITY ATTORNEY

Exhibit A

Sec. 28-21 Denial.

An application for permit may be denied to a person under this article for the following reasons.

- (a) Because of a person's conviction or deferred adjudication of a felony, or misdemeanor if the crime directly relates to the fraudulent or deceitful conduct of a solicitor or solicitor's business or results from an assault against person. If the person has completed deferred adjudication, and the crime has been dismissed, then the person's deferred adjudication shall not result in denial of the permit.
- (b) An investigation reveals that the applicant falsified information on the application.
- (c) The applicant is a registered sex offender.
- (d) The applicant has had a permit revoked for any reason within the past three (3) years.

Sec. 28.22. Revocation.

- (a) Permits issued under the provision of this article may be revoked for any of the following causes by an official of the City of Abilene:
 - (1) Fraud, misrepresentation or false statement contained in the application for permit.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business.
 - (3) Any violation of this chapter.
 - (4) Conviction or deferred adjudication of a felony, or a misdemeanor if the crime directly relates to the conduct of the business. If the person has completed deferred adjudication, and the crime has been dismissed, then the person's deferred adjudication shall not result in revocation of the permit.
 - (5) Conducting the business of solicitation in an unlawful manner, or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, and general welfare of the public.
- (b) Notice of revocation of a permit shall be given verbally or in writing and specify the grounds of the revocation.
- (c) When the solicitor receives notice that their permit has been revoked, they shall immediately surrender their permit to the revoking official.