

AN ORDINANCE AMENDING CHAPTER 28, "SOLICITATION," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

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

PART 1: That Chapter 28, " SOLICITATION," of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 14 day of July, 1988.

PASSED ON SECOND AND FINAL READING this 28 day of July, 1988.

ATTEST:

Patricia Hancock
CITY SECRETARY

Dale Ferguson
MAYOR

APPROVED:

Debra D. Weinsten
CITY ATTORNEY

EXHIBIT A

ORDINANCE NO. 34-1988

That certain sections of Chapter 28, "Solicitation," are amended as follows:

Sec. 28-6 "Telephone solicitation - Prohibited" is hereby amended to read as follows:

Sec. 28-6. "Telephone Solicitation."

Persons employed and paid primarily for the purpose of making telephone solicitations shall identify themselves as paid callers during the initial minute of telephone contact.

Sec. 28-7 "Same - Discontinuance of telephone service" is hereby deleted in its entirety.

Sec. 28-21 "Exceptions" is amended to read as follows:

The provisions of this article shall not apply to:

(a) Any local church or other religious group, or to ministers or agents thereof soliciting funds for the support of such religious group;

(b) Any established society, association or corporation that is organized and operated exclusively for educational, philanthropic, benevolent, fraternal or charitable purposes, not operated for pecuniary profit, where no part of the net earnings inures to the benefit of any person, private shareholder, or individual, where the solicitation of such organization is

(1) conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation, or

(2) in the form of collections or contributions at the regular exercises or services of any society, lodge, benevolent order or fraternity or similar organization, or any branch thereof.

Sec. 28-22 "Application" is amended to read:

The city licensing officer shall require written application for a permit to solicit, with disclosure of such information as is deemed necessary to carry out the intent and purpose of this chapter. Such written application shall be sworn to by the applicant or his agent or representative thereof. An administrative fee shall be charged upon issuance of permit and shall be paid to the city forthwith. The fee for a permit issued

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continued

pursuant to this article shall be determined from time to time and placed on file in the office of the City Secretary. Any application made pursuant to the provisions of this Chapter may be presented to the Better Business Bureau of Abilene for investigation.

End

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