

ORDINANCE NO. 25-XXX

AN ORDINANCE AMENDING CHAPTER 18 OF THE CITY OF KILLEEN CODE OF ORDINANCES; MAKING THE OPEN STORAGE OF NUISANCE VEHICLES UNLAWFUL; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas, is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

WHEREAS, the City of Killeen has declared the application and enforcement of the City's nuisance control and abatement regulations found in Chapter 18 of the Killeen Code of Ordinances to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare of the City; and,

WHEREAS, the City Council desires to amend nuisance control and abatement regulations to encourage voluntary compliance and discourage repeat offenses; and,

WHEREAS, the City Council finds that such amendments are necessary and desirable to minimize the establishment of nuisance conditions within the City in order to protect the public safety, health, convenience, comfort, prosperity, and general welfare of the City.

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

SECTION I. That Chapter 18, Article V of the Code of Ordinances, City of Killeen, Texas, is hereby amended to read as follows:

ARTICLE V. JUNK VEHICLES AND NUISANCE VEHICLES

* * * *

Sec. 18-51. Definitions.

Whenever the following terms are used in this [Article](#), they shall have the meanings respectively ascribed to them in this section:

Antique vehicle shall mean a passenger car or truck that is at least twenty-five (25) years old.

Code enforcement director shall mean the director of code enforcement or his designee.

Demolisher shall mean a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Junked vehicle shall mean a ~~v~~Vehicle that: ~~is self-propelled and~~

(1) Displays an expired ~~license plate or invalid motor vehicle inspection certificate~~ vehicle registration sticker or does not display a license plate or ~~motor vehicle inspection certificate~~ vehicle registration sticker; and

(2) Is

(A) Wrecked, dismantled, or partially dismantled, or discarded; or

(B) ~~is i~~inoperable and has remained inoperable for more than:

(i) Seventy-two (72) consecutive hours, if the vehicle is on public property; or

(ii) Thirty (30) consecutive days, if the vehicle is on private property.

Motor vehicle collector shall mean a person who owns one or more Antique or Special interest vehicles and acquires, collects, or disposes of an Antique or Special interest vehicle or part of them for personal use to restore and preserve an ~~a~~Antique or ~~s~~Special interest vehicle for historic interest.

Nuisance vehicle shall mean any Vehicle or trailer that is:

(1) wrecked, disassembled, dismantled (wholly or partially), discarded, substantially disfigured or damaged, disintegrated, ruined, destroyed, or demolished, or

(2) unattended on jack stands, blocks, or other means so that the vehicle is not supported by its wheels, or

(3) in a condition with one or more flat tires or is missing one or more wheels, or

(4) inoperable and has remained inoperable for more than:

(A) seventy-two (72) hours, if the vehicle is on public property; or

~~(A)~~(B) thirty (30) consecutive days if the vehicle is on private property.

Special interest vehicle shall mean a motor vehicle of any age that has not been altered or modified from the original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

Vehicle shall mean any passenger or cargo vehicle, and shall include a motorcycle, all-terrain vehicle, trailer, boat, or personal watercraft.

Sec. 18-52. Declaration of nuisance.

A ~~J~~junked vehicle or a Nuisance vehicle, including a part of a ~~j~~Junked ~~V~~vehicle or Nuisance vehicle, that is visible at any time of the year from a public place or public right-of-way:

A. Is detrimental to the safety and welfare of the public;

B. Tends to reduce the value of private property;

C. Invites vandalism;

- D. Creates a fire hazard;
- E. Is an attractive nuisance, creating a hazard to the health and safety of minors;
- F. Produces urban blight adverse to the maintenance and continuing development of the city; and
- G. Is a public nuisance.

Sec. 18-53. Exception.

The following are exempt from the provisions of this ~~a~~Article:

- A. A ~~V~~vehicle or vehicle part that is completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property; or
- B. A ~~V~~vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an ~~a~~Antique or ~~S~~special interest vehicle stored by a ~~M~~motor vehicles collector on the collector's property, if the ~~V~~vehicle and the outdoor storage area are:
 - 1. Maintained in an orderly manner;
 - 2. That do not constitute a health hazard; and
 - 3. Are screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery. ~~;~~~~or~~
- C. A ~~motor-v~~Vehicle designed or altered for competitive racing, ~~or~~ used for hunting, or used for off-road activities and that is stored on private property for not more than ~~thirty~~fifteen (~~30~~15) days, except, however, only one (1) such ~~V~~vehicle is allowed on the property at any one time.

D. It shall be an affirmative defense for a notice of a Nuisance Vehicle if the Nuisance Vehicle is stored or parked in a lawful manner on private property in connection with the business of an auto body repair shop. This defense does not apply to a Junked Vehicle at the same location.

Sec. 18-54. Abatement requirements for a Junked vehicle.

- A. The city shall abate and remove from private or public property or public right-of-way any ~~J~~unked vehicle or part of a ~~J~~unked vehicle which is a public nuisance.
- B. Procedures to abate:
 - 1. If requested by the owner, A public hearing as set forth in section 18-57 shall be ~~required~~held before removal of the ~~public nuisance~~Junked vehicle.
 - 2. A ~~j~~unked vehicle removed pursuant to this Article shall not be allowed to be reconstructed or made operable after removal by the city.
 - 3. Notice shall be sent to the Texas Department of Transportation no later than the fifth day after the date of removal.
- C. The municipal court may issue necessary orders to enforce the order from the ~~building official~~Executive Director of Development Services, or designee, to ~~remove~~abate the public nuisance.

D. Procedures for abatement and removal of the public nuisance shall be administered by the code enforcement director, and he may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

E. Any person authorized by the city may enter private property to abate or remove the nuisance.

Sec. 18-55. Relocation of a ~~J~~junked vehicle or a Nuisance vehicle.

The relocation of a ~~J~~junked vehicle or Nuisance vehicle that is a public nuisance to another location within the city limits after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the ~~J~~junked vehicle or Nuisance vehicle constitutes a public nuisance at the new location.

Sec. 18-56. Notice to abate.

A. The procedures for the abatement and removal of a public nuisance under this ~~A~~article shall provide not less than ten (10) days' notice of the nature of the violation and must be sent by certified mail with a five-day return requested or delivered by the United States Postal Service with signature confirmation service to:

1. The last known registered owner of the nuisance;
2. Each lien holder of record of the nuisance; and
3. The owner or occupant of:
 - a. The property on which the nuisance is located; or
 - b. If the nuisance is located in a public right-of-way, the property adjacent to the right-of-way.

B. The notice must state:

1. The nuisance must be abated and removed not later than the tenth (10th) day after the date on which the notice was mailed; and
2. Any request for a hearing must be made before the ten (10) day period expires.

C. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered.

D. If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.

Sec. 18-57. Hearing.

A. If a person for whom notice was sent regarding the removal or abatement of a Junked vehicle requests an administrative hearing not later than the date by which the ~~nuisance-Junked vehicle~~ must be abated and removed, such hearing shall be held before the ~~building official~~Executive Director of Development Services, or designee, not earlier than the eleventh (11th) day after the date of service of notice.

B. At the hearing, the ~~J~~junked ~~motor~~ vehicle is presumed to be inoperable, unless demonstrated otherwise by the owner.

C. Any order requiring the removal ~~of a vehicle or vehicle part~~under this Article must include the ~~V~~vehicle's description, identification number, and license number of the ~~V~~vehicle if the information is available at the location of the nuisance.

Sec. 18-58. Voluntary abatement.

~~If, w~~Within ten (10) days after receipt of notice to abate the nuisance as provided in this ~~A~~article, the owner of the ~~V~~vehicle ~~shall~~may give ~~his~~ written permission to the code enforcement director for the removal of the ~~J~~junked ~~motor~~ vehicle or Nuisance vehicle from the premises. ~~, t~~The giving of such permission shall be considered compliance with the provisions of this ~~A~~article.

Sec. 18-59. Disposal of ~~j~~Junked vehicles; remedies.

A. A ~~J~~junked vehicle or ~~vehicle~~ part of a Junked Vehicle shall be disposed of by removal to a scrapyard, motor vehicle demolisher, or any suitable site operated by the city for processing as scrap or salvage.

B. Any individual who fails to timely abate a nuisance may be required to pay the city restitution for the city's cost in removing, abating, or curing such nuisance, plus an administrative fee ~~of one hundred dollars (\$100.00)~~as stated in the adopted fee schedule.

C. Any Junked vehicle or vehicle part, after removal by this ~~A~~article, shall not be reconstructed or made operable.

Sec. 18-60. Obstructions to traffic.

Nothing in this ~~A~~article shall affect a law or ordinance authorizing the immediate removal, as an obstruction to traffic, of a ~~V~~vehicle left on public property.

Sec. 18-61. Criminal penalties.

It shall be unlawful for any owner, lessee, occupant, or person in control of any lot, parcel of land, or premises within the city to allow a Junk vehicle or Nuisance vehicle to remain on any private or public property in violation of this Article. A person who commits an offense under ~~section 18-52 is~~this Article, on conviction, ~~subject to a fine not to exceed \$200.00~~shall be punished under the provisions of section 1-8. On conviction, the court shall order removal and/or ~~and~~ abatement of the nuisance.

Secs. 18-62-18-80. Reserved.

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 2nd day of December 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001 et seq.

APPROVED:

Debbi Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY