

ORDINANCE NO. 25-XXX

AN ORDINANCE AMENDING CHAPTERS 8 AND 11 OF THE CITY OF KILLEEN CODE OF ORDINANCES; ADOPTING THE 2024 INTERNATIONAL CONSTRUCTIONS CODES, THE 2024 INTERNATIONAL FIRE CODE, AND THE 2023 NATIONAL ELECTRICAL CODE; ADOPTING LOCAL AMENDMENTS TO THESE CODES; TERMINATING RELATED BOARDS AND REASSIGNING DUTIES TO A SINGLE BOARD OF ADJUSTMENT; 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;

WHEREAS, the establishing of minimum regulations governing the construction, maintenance, and use of property, buildings, and structures is essentials to protect the health, safety, and general welfare of the public and property; and

WHEREAS, the City of Killeen desires to provide for the protections and welfare of the citizens of and visitors to the City of Killeen, the most current life safety codes as standards for compliance, and the protections of the life and property located within its jurisdictional boundaries.

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

SECTION I. That Chapter 8 of the Code of Ordinances, City of Killeen, Texas, is hereby amended to read as follows:

CHAPTER 8 BUILDING AND CONSTRUCTION REGULATIONS

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning. Additional terms and definitions are found in the adopted construction codes:

Board shall mean the construction board of appeals of the city as appointed by the city council.

Building official shall mean the officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter.

Construction codes shall mean the adopted construction codes and regulations listed within this chapter as amended.

Conveyor car wash shall mean a car wash in which sprays and/or brushes are mounted on stationary arches and spray a vehicle that moves underneath along a conveyor.

Department shall mean the City of Killeen Development Services Department.

Existing shall mean in operation or under construction prior to the effective date of ordinance enacting the applicable section.

Homeowner shall mean person or persons residing in a single-family dwelling that is lawfully recorded as his or her homestead.

In-bay automatic car wash shall mean a car wash in which the vehicle remains stationary within a wash bay while automatic arms move back and forth over the vehicle.

Inspector shall mean an employee of the city duly authorized and charged with the enforcement of this chapter under the direction of the building official.

Mobile car wash shall mean a vehicle or trailer-mounted self-contained washing system with water or detergent solution, storage tank, pumping equipment, hoses, spray wand, and related appurtenances.

New shall mean constructed on or after the effective date of the ordinance enacting the applicable section.

Project shall mean any new construction, addition, alteration, demolition or repair of a building or structure within the City of Killeen, which requires a construction permit.

Positive cutoff device shall mean a device which permits water to flow through it only when an outside force or pressure is applied to it.

Registered contractor shall mean any person lawfully registered with the City and possessing any and all state required licenses, certifications, endorsements and/or registrations required to perform such regulated work who is engaged in a business of installation or altering, by contract, a structure or equipment to whom permits may be issued to. It shall include any authorized person, whether actually doing work or not, and any authorized person who subcontracts to do such work, but does not include bona fide employees employed by such contractor to do or supervise such work.

Registration shall mean the contractor registration by type(s) issued by the city under this chapter.

Registration year shall mean the calendar year, from January first to December thirty-first.

Self-service carwash shall mean a commercial car wash in which the vehicle remains stationary within a wash bay and is washed manually by the customer using high-pressure sprayers and brushes.

Water recycling system shall mean a system of pumps, tanks, and treatment components used to treat and reuse water continuously for a single purpose.

Sec. 8-2. Penalty.

Unless stated otherwise, violations of this chapter shall be punished as provided in section 1-8.

Secs. 8-3—8-10. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. PERMIT FEES

Sec. 8-11. Fees.

- (a) *Fee adjustment.* Permits that have not expired in accordance with section 8-28 below may be extended at no fee. However, an owner of an expired permit may make written request within thirty (30) days after date of expiration to the building official to reinstate said permit and shall be charged a fee of one-half the amount required for a new permit for such work, provided no changes have been made in the original plans and specifications for such work or there have been no applicable code amendments or code revisions made since the original project permit issuance.
- (b) *Penalty.* Where construction is commenced before a permit is obtained, the permit fees shall be doubled.
- (c) *Occupy without a certificate of occupancy.* It shall be an offense for the contractor or the building owner, whether commercial or residential, to allow an owner or tenant of property to occupy a new or remodeled building or space before the contractor obtains a certificate of occupancy. Upon conviction, a person violating this section shall be fined in an amount not less than two hundred fifty dollars (\$250.00), nor more than two thousand dollars (\$2,000.00). For the second or subsequent conviction within a twelve-month period, such person shall be fined not less than five hundred dollars (\$500.00), nor more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate and distinct offense and shall be punishable as such.
- (d) *Fees waived.* Projects for city-owned facilities requiring permits shall be exempt from permit fees. However, contractors shall be responsible for contractor registration, construction trailers and/or other temporary construction structures, failed inspection penalties, or other penalties and fees.
- (e) *Fee refunds.* The building official shall authorize the refund of fees as follows:
 - (1) The full amount of any fee paid hereunder which was erroneously paid or collected.

- (2) Not more than fifty (50) percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.
- (3) Not more than fifty (50) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- (4) Once the application has been received and the application technology fee has been collected, the application technology fee shall not be refunded.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

~~Sec. 8-12. Reserved.~~

Secs. 8-1~~2~~²³—8-20. Reserved.

DIVISION 2. BUILDING ~~AND~~ INSPECTIONS DIVISION

Sec. 8-21. Established.

There is hereby established a department to be called the building ~~and~~ inspections division and the person charged with the administration and enforcement of this chapter shall be known as the building official.

Sec. 8-22. Restrictions on employees.

An inspector or employee connected with the department shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building system, or in the making of plans or of specifications thereof, unless he or she is the owner of such building. Such inspector or employee shall not engage in any other work which is inconsistent with his duties or conflicts with the interests of the department.

Sec. 8-23. Permit required and issuance.

- (a) *Permit required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, make structural repairs (including foundation repair), move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
- (b) *Permit issuance.* Construction permits shall only be issued to a registered contractor or to a homeowner as defined in this chapter performing such work with their own hands.

Sec. 8-24. Single permit projects.

Projects with only one permit required shall be issued only to the registered contractor performing such work or to the homeowner as defined in this chapter performing such work with their own hands.

Sec. 8-25. Multi-permit projects.

Projects requiring more than one permit issuance shall be issued to a registered general contractor. The contractor is responsible for all inspections, failed inspection penalties, and any other fees.

Sec. 8-26. Permit application and plan review.

- (a) *Application review time.* Construction permit applications shall be reviewed and either approved or disapproved within 45 calendar days from the date submitted. Such applications shall be submitted on forms through the city online permitting software furnished by the building and inspections division. In addition, the applicant shall provide all necessary technical data sufficient to perform the permit review. The building ~~and~~ inspections division shall provide written notice and reasons why the city is unable to grant the permit application.
- (b) *Project submittals.*
 - (1) Project submittals for the construction of new buildings, additions and other development shall include documents necessary for the review and approval of the proposed land use development, the proposed private and/or public water, sewer and drainage infrastructure to include the proposed connections to all public infrastructure, the proposed connectivity and access to public streets, the proposed landscaping plan, exterior building architectural design elevations, exterior lighting plans for buildings and property, applicable aeronautical and floodplain and drainage details, if required, and all details of the proposed building to include its fire rated construction, building, plumbing, electrical, mechanical, energy and other system requirements for the project.
 - (2) Projects proposing the construction of one or more buildings at the same time will require a separate permit application for each building.

Sec. 8-27. Expired permit application.

Construction permit applications shall expire forty-five (45) calendar days from the date such permit has been either approved and applicable fees remain unpaid or remains disapproved for more than forty-five (45) calendar days. The building official may grant an additional thirty-day extension upon written evidence justifying the delay to complete the permit issuance.

Sec. 8-28. Expired permit.

Construction permits issued shall become invalid because of failure to commence work within one hundred eighty (180) days after the issuance of the permit, when work is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced, or failure to perform substantial amount of work authorized by

such permit within one hundred eighty (180) days after the issuance of the permit, such substantial work will be reviewed based from the project's last recorded inspection date. The building official is authorized to grant one (1) or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested by the applicant in writing and justifiable cause demonstrated.

Sec. 8-29. Inspections required.

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to provide the means for adequate illumination and for the safe access to the work areas to be inspected to include providing ladders installed and make ready for safe means for the inspector to use and shall cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for any expense entailed in the installation or removal of or replacement of any material required to perform allowan inspection. The city will accept live video inspections to be performed and recorded by using city approved IVR software.

Sec. 8-30. Inspection penalty fees paid.

Inspection penalty fees (re-inspection fees) shall be paid upon notice and before the project's final inspection and/or certificate of occupancy is issued. Contractors or applicants more than thirty (30) days past due on any failed inspection penalty fees shall be suspended from further inspections until the past due amount is paid in full.

Sec. 8-31. Limitations on buildings and structures placed in easements.

Buildings, accessory buildings or structures, ground signs, in-ground swimming pools and storable above ground swimming pools over twenty-four (24) inches in height are prohibited from being placed in public utility easements without prior written approval from the director of public works~~city engineer~~ or his designee. Fences, portable sheds not anchored to a permanent concrete foundation and not more than eighty (80) square feet, and landscaping (excluding trees) may be placed over public utility easements; however, these obstructions are subject to removal by the city or utility provider, at the landowner's sole expense, when access to the easement is necessary for the installation, removal, replacement and/or maintenance of utilities. In addition, no buildings, accessory buildings, ground signs, swimming pools, fences or other objects that may impede the functionality of a drainage easement shall be permitted to encroach into any public drainage easement without prior written approval from the ~~director of public works~~City Engineer, or ~~his~~ designee.

Sec. 8-32. Form check building placement verification required.

For projects involving the construction of new buildings or additions to existing buildings, a form placement verification document, sealed by a Texas Registered

Professional land surveyor, must be submitted for approval at the time the foundation forms are set. The form check verification document shall verify and document that there are no encroachments into the required building setbacks. No foundation related inspections can be performed until the sealed form check verification document has been submitted.

This document may either be a sealed field survey or a sealed written narrative document stating the building placement does not intrude over boundary lines, easements or encroach into building setbacks for its location on the property. In lieu of sealed documents for projects twelve (12) or more inches from such setbacks, the builder can accurately place string lines so the building placement can be verified during inspection.

Secs. 8-33—8-35. Reserved.

DIVISION 3. ~~CONSTRUCTION BOARD OF APPEALS~~BOARD OF ADJUSTMENT

~~Sec. 8-36. Membership.~~

~~(a) There shall be a board to be called the construction board of appeals, which shall consist of seven (7) members as follows:~~

~~(1) An architect.~~

~~(2) An engineer.~~

~~(3) A mechanical contractor.~~

~~(4) A representative from the county health department.~~

~~(5) A general contractor/builder.~~

~~(6) An electrical contractor.~~

~~(7) A plumbing contractor.~~

~~(b) Up to two (2) alternate members with similar qualifications as one of the members listed above may be appointed, who shall serve in the absence of one (1) or more of the regular members.~~

~~(c) Members and alternates shall serve for terms of three (3) years or until their successors are appointed.~~

Sec. 8-~~37~~36. Jurisdiction.

(a) The Board of Adjustment, as created pursuant to Section 31-66 of this Code, ~~construction board of appeals~~ shall hear appeals and requests for variances, as provided in this Cchapter. The board shall have no authority to waive requirements of the construction standards adopted in this chapter. However, the board may consider modifications of the adopted construction standards.

(b) The term "board" or similar term in such construction codes shall mean the ~~construction board of appeals~~Board of Adjustment and all characteristics and duties of such board shall be as provided herein.

- (c) The board shall hold hearings for the revocation or suspension of a holder of contractor's registration as set forth in this chapter.
- (d) The board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this chapter. A three-fourths majority vote is required to overturn a decision made by the building official.
- (e) The board shall hold hearings regarding dangerous buildings, structures, or building portions and its systems.

~~Sec. 8-38. Quorum.~~

~~Four (4) members of the board shall constitute a quorum. The concurring vote of four (4) members of the board shall be necessary to modify an order of the building official or to vary the application of any provision of the construction codes over which it has jurisdiction.~~

~~Sec. 8-39. Procedures.~~

~~The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

Sec. 8-~~40~~37. Appeals and hearings.

- (a) *General.* The board shall hear all appeals from the decision of the building official and shall hear all requests for variances from the provisions of this chapter. Such appeals and variances shall be limited to the following situations:
 - (1) When the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the installation, construction, or alteration of a building, structure, electrical system, plumbing system, gas system, mechanical system, energy conservation system, landscaping requirements, or swimming pool or other system regulated by this chapter; or
 - (2) When appellant claims that the provisions of the construction codes over which the board has jurisdiction do not apply or that any equally good or more desirable form of installation can be employed in a specific case; or
 - (3) When appellant claims that the true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted; or
 - (4) When appellant claims any matter related to the securing of a dangerous structure in accordance with the provisions of section 8-390 or emergency; or
 - (5) When a structure is unsecured, dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare. A hearing shall be conducted by the board to determine whether the structure complies with the standards set out in the adopted construction codes in this chapter

and order the repair, rehabilitation, demolition, or removal of the structure if violations exist. The board may also order the structure to be vacated.

- (b) *Notice of appeal.* Notice of appeal shall be in writing and filed with the required application fee within thirty (30) days after the decision is rendered by the building official. Appeals shall be on forms provided by the building official.

Exception: In case of building construction or alteration, plumbing installation, electrical installation, mechanical installation, gas installation or swimming pool construction which, in the opinion of the building official, is unsafe or dangerous, the official may, in his order, limit time for such appeal to a shorter period but never less than ten (10) days.

- (c) *Regulation of unsafe buildings or other structures.* The board shall preside over hearings required by article V of this chapter.

Sec. 8-~~41~~38. Decisions.

- (a) *Appeals.* After a hearing, the board may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of said codes or public interest, or when, in its opinion, the interpretation of the building official should be modified or reversed, provided the board does not waive requirements of the construction standards adopted in this chapter. However, the board may consider modifications of the adopted construction standards.
- (b) *Action.* The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of the construction codes over which it has jurisdiction, the building official shall immediately take action in accordance with such decision.
- (c) *Decisions final.* Every decision of the board, pursuant to this Chapter, shall be final, subject to appeal to the district court of the county, provided such appeal is made within thirty (30) days from rendition of such decision.

Sec. 8-~~42~~39. Advisory responsibility.

The board shall submit to the city council such recommendations for the adoption of the construction codes as it may from time to time deem necessary and to establish the minimum requirements to safeguard the public health, safety, and general welfare, and provide safety to life and property from fire and other hazards attributed to the built environment.

Secs. 8-~~4340~~—8-59. Reserved.

ARTICLE III. CONSTRUCTION CONTRACTORS

Sec. 8-60. Required; scope.

- (a) Before any person shall perform, contract to perform, or obtain a permit to perform a construction operation within the city limits for which a permit is required under this chapter, he or she shall first obtain a construction registration issued by the city. This registration does not substitute for any permit required under this chapter, nor does it substitute for any license required under this chapter or under state law.
- (b) Issuance of the registration is conditioned that the person engaged in the construction operation shall faithfully observe all of the ordinances pertaining to this chapter, as now written or as they may hereafter be amended, and shall faithfully observe, as well, any and all state laws governing construction operations performed under this chapter or as they may hereafter be amended; further, that the city shall be indemnified and saved harmless from all claims arising from accidents and any damage of any character whatsoever caused by the negligence of such person engaged in any construction operation, or by any other unfaithful or inadequate work done either by such person, or his agents or employees.
- (c) It shall be unlawful to perform or contract to perform a construction operation within the city limits without first obtaining a construction registration issued by the city as described in this article.
- (d) No construction registration shall be required for a construction operation solely performed by a homeowner in a building owned and occupied by him or her as his or her homestead. Requirements for applicable permits, inspections, and fees remain in effect.

Sec. 8-61. Application for registration; updates.

- (a) Persons shall file an application for a registration with the ~~d~~Department through city online permitting software, on a form provided by the department, giving full name, residence address, name and address of business, phone number, email address, type of construction operation to be performed, proof of state license where required, proof of insurance (as specified below), persons authorized to obtain permits, and such additional information as may be needed for proper guidance of the ~~d~~Department in issuing the registration.
- (b) The registrant shall update the application for registration upon the expansion of types of construction operations, change in persons authorized to obtain permits, or upon addition of state-licensed workers not already recorded on the original application. Such update shall be recorded by the department at no charge to the registrant.
- (c) The registrant shall notify the ~~d~~Department of any change of address, email, or phone number.
- (d) *Types of contractor registrations:*

1. *General contractor.* A responsible person or company to oversee the construction project, ensure that all required permits and fees for ~~the a total~~ project are obtained and to ensure that all required inspections are performed for compliance with the adopted construction codes.
 2. *Electrical contractor.* A responsible person or company that possesses a valid Electrical Contractor license by the Texas Department of Licensing and Regulation (TDLR) to contract and perform electrical work.
 3. *Plumbing contractor.* A person that possesses or a company that employs a Responsible Master Plumber licensed by the Texas State Board of Plumbing Examiners (TSBPE) to contract or perform plumbing work.
 4. *Mechanical contractor.* A person or company lawfully licensed by the Texas Department of Licensing and Regulation (TDLR) to contract and perform mechanical work.
 - ~~5. *Fire sprinkler contractor.* A person or company that employs a person as who is lawfully licensed by the state fire marshal's office as possessing a person with a responsible managing employee (RME) License.~~
 - ~~65. *Sign contractor.* A person or company that permits, installs, repairs or makes changes to all types of signs. Sign contractors and sign companies who requests to permit sign work for or on electrical type signs Such person or company must possess a valid *electrical sign contractor license* issued by the Texas Department of Licensing and Regulation (TDLR) to perform such work. The installation of non-electrical portable signs and/or banners does not require a contractor registration.~~
 - ~~76. *Lawn irrigator contractor.* A person or company that possesses a valid irrigator's license, Landscape Irrigator License issued by the Texas Commission on Environmental Quality (TCEQ).~~
 - ~~87. *Whole house water softener contractor.* A person possessing or a company employing a person who possesses a valid ~~w~~Water ~~t~~Treatment ~~s~~Specialist (WTS), Class ~~2~~II or ~~3~~III license issued by the Texas Commission on Environmental Quality (TCEQ).~~
 - ~~98. *Swimming pool contractor.* A person or company who contracts to install swimming pools and/or hot tubs.~~
- (e) *Contractor types not defined.* Contractor types not listed above shall be considered a general contractor. A person or company may be issued more than one type of registration, as he or she may be qualified. All contractors required to possess state licenses, certifications, endorsements and/or registrations shall provide proof of such in order to permit or work within the city.
- (f) *Insurance requirements.* Any person, firm or corporation seeking to obtain permits required by this code shall have in force a comprehensive general liability insurance policy in a minimum amount of one hundred thousand dollars (\$100,000.00) per occurrence and including coverage for bodily injury and property damage with products liability and completed operations coverage. The certificate

shall include the company name and DBA, if applicable. The insurance coverage shall include a provision that in the event such coverage is cancelled or reduced, the insurance carrier shall notify the building official at least ten (10) days prior to such cancellation or reduction in coverage. Any active permit shall be automatically suspended during any period in which the applicant fails to maintain in effect the required insurance coverage.

Sec. 8-62. Fees.

Fees for registrations, other than registration for electrical, plumbing, and mechanical contractors, shall be paid at time of application. Unless prohibited by state law, contractor registration fees shall be in accordance with the adopted fee schedule, paid per calendar year, renewable each January first.

Sec. 8-63. Issuance or refusal.

The registration required by this article shall be issued or refused in writing not more than ten (10) days after the application has been made. If the registration is refused, the reasons for the refusal shall be given in writing. Nothing in this article shall be interpreted as granting or attempting to grant to any city inspector or employee any discretionary authority to issue a registration or to refuse to issue a registration. Registrations shall be issued to each applicant complying with all applicable state laws and city ordinances, and registrations shall be refused for any applicant failing to comply with all such applicable laws and ordinances.

Sec. 8-64. Restrictions imposed.

The registration issued under this article shall show on its face the restrictions placed thereon by reason of the types of construction operations to be performed, including but not limited to, general, electrical, plumbing or mechanical.

Sec. 8-65. Transfer prohibited.

It shall be unlawful for any person holding a general construction registration to transfer same or to allow the use of same directly or indirectly by any other person for the purpose of obtaining a permit to do any construction operation work herein specified.

Sec. 8-66. Display.

It shall be the duty of any person conducting a registered construction operation in the city to keep his registration in such convenient location so as to be able to present such registration upon the request of the building official or his designated inspector.

Sec. 8-67. Records.

The building official shall establish and maintain records of each registration application and each registration issued. Such records shall be retained in the official records for the period required by the city's retention schedule.

Sec. 8-68. Expiration.

Each registration issued under this article shall expire on the thirty-first day of December following the issuance thereof.

Sec. 8-69. Suspension.

- (a) *Generally.* Any registration issued under this division may be suspended by the board at any time during the life of the registration for any violation by the registrant of the ordinance provisions relating to the registration or the subject matter of the registration, as outlined below. Such suspension may be in addition to any fine imposed.
- (b) *Grounds.* The board may suspend the registration of any registrant for a period of not more than one (1) year, after determining at a proper hearing as set out in this article that the registrant has done any of the following:
 - (1) Taken out a permit in the name of a person authorized to do the work and thereafter permitted a person not authorized by this code to do the work;
 - (2) Tampered with, diverted from, or in any way interfered with the proper action, connection, or registration of any public utility service;
 - (3) Employed any person not licensed as provided in this chapter to do work which requires a license under state law or city ordinance;
 - (4) Permitted an unlawful or fraudulent use of the registration issued under this article;
 - (5) Habitually violated this code, where "habitual" means a registrant who has failed to first obtain the required permits prior to work being performed on two (2) or more projects within a twelve (12) month period;
 - (6) Performed any work that is in violation of this chapter, ~~and then~~ failed or refused to make required inspections and, or failed to make corrections necessary for the work to conform to this chapter, ~~or has~~ failed to pay any permit fees, ~~failed~~ to pay inspection penalties, ~~or failed to pay any~~ other penalties; or
 - (7) Performed any work in violation of any restrictions imposed on a registration issued to him or her.

Sec. 8-70. Procedure and hearing.

- (a) In determining any charges listed for the suspension of a registration issued under this article, the building official shall proceed upon sworn information furnished it by:
 - (1) An official, employee, or inspector of the city; or
 - (2) Any person aggrieved by the action of a registrant in the performance of construction work for which a registration is required by this code.
- (b) Such information shall be in writing and shall be verified by the person familiar with the facts therein charged.

- (c) The building official, if he deems the information sufficient to support further action by the board, shall make a written complaint setting out the charges and shall set a hearing before the board at a specified time and place, and shall cause a copy of the complaint and notice of setting for the hearing to be served upon the licensee by certified mail, return receipt requested, no less than ten (10) days before the date appointed in the notice of setting.
- (d) The registrant may appear in person, or by counsel, at the time and place named in the notice of setting and may make his defense to the charges.
- (e) All such hearings shall be open to the public, as provided under V.T.C.A., Texas Government Code ~~ch.~~Chapter 551 [Texas Open Meetings Act].
- (f) The building official and the city attorney or his designee shall be entitled to present evidence and argument at such hearing. If the registrant fails or refuses to appear, the board may proceed to hear and determine the charges in his absence. The board shall have the power, through its chairman, to administer oaths and to compel the attendance of witnesses before it by subpoena issued over the name of the chairman.
- (g) When the board has completed such hearing and made its decision, it shall cause one (1) copy of its decision to be filed with the building official and one (1) copy to be forwarded to the registrant.

Sec. 8-71. Surrender and return of registration.

Any registration which has been suspended under this article shall be surrendered to and be retained by the building official. At the end of the period of suspension, in the absence of further violations, the surrendered registration shall be returned to the registrant and shall be valid under the provisions of this article. If the period of suspension extends beyond the normal expiration date of the registration, the registrant shall pay all registration fees without proration in order to receive a valid registration to continue construction operations following the suspension period.

Sec. 8-72. Appeals.

- (a) *Scope.* This section shall apply to all appeals from any action by any city officer or employee refusing to issue a registration. (This section shall also apply to appeals from any action by the board suspending a registration.)
- (b) *Appeal to building official.* Any decision made by any employee of the city with a lower rank than building official may be taken to the building official. Such appeal may be taken by filing a written note, notice, or letter with the building official, briefly describing the decision being appealed. The person seeking the appeal must file the note, notice, or letter within ten (10) business days of the date of being notified of the decision from which the appeal is sought. The building official shall provide an opportunity for conference and shall decide the appeal promptly.
- (c) *Appeal to ~~construction board of appeals~~Board of Adjustment.* Any decision made by the building official, whether an original decision or a decision on appeal from an employee's decision, may be appealed to the ~~construction board of appeals~~.

- (d) *Board decisions.* Any person affected by a decision of the board relating to issuance or suspension of a registration shall have a right to file ~~a petition for~~ appeal-judicial review within ten (10) business days thereafter ~~for a hearing in~~ district court in accordance with Texas Local Government Code Section 54.039. ~~before the city council. The city council shall set the matter for hearing upon~~ fourteen (14) days' written notice to the aggrieved person and thereupon take testimony, examine the facts of the case, and determine whether the petitioner is entitled to a registration or is subject to suspension of this registration under the provisions of this article.

Secs. 8-73—8-179. Reserved.

ARTICLE IV. CONSTRUCTION STANDARDS

DIVISION 1. BUILDING CODE

Sec. 8-180. Adopted.

There is hereby adopted by the city the International Building Code, 2021~~2024~~ Edition, together with Appendices C [Group U—Agricultural Buildings], F [Rodent Proofing], H [Signs], I [Patio Covers], K [Administrative Provisions (Electrical)] and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-181. Amendments.

The following sections of the International Building Code, 2021~~2024~~ Edition, together with Appendices C [Group U—Agricultural Buildings], F [Rodent Proofing], H [Signs], I [Patio Covers], K [Administrative Provisions (Electrical)] and amendments, are hereby amended to read as follows:

- (1) Section 101.1 of the International Building Code, 2021~~2024~~ Edition, is amended to read as follows:

"101.1 Title. These regulations shall be known as the building code of the City of Killeen, Texas, hereinafter referred to as "this code."

- (2) Section 103.1 of the International Building Code, 2021~~2024~~ Edition, is amended to read as follows:

"103.1 Creation of enforcement agency. The Killeen Building Inspections Division is hereby created, and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code."

- (3) Section 105.2 of the International Building Code, 2021~~2024~~ Edition, is amended by deleting Building, item 6 and amending Building, items 1 and 2 to read as follows:

"Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 20 square feet.
 2. Fences not over 2 feet high."
- (4) Section 107.1 of the International Building Code, 20212024 Edition, is amended to read as follows:

"107.1 ~~Submittal documents~~General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in a digital format with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:

1. Group A - assembly occupancies with a design occupant load of 100 or more persons.
2. Group E - educational occupancies with a design occupant load over 50.
3. All group H - hazardous and I - institutional occupancies.
4. Projects that require engineer sealed drawings and details:
 - a. As required by state law.
 - b. Structural repair projects, including foundation repair of slab on grade -structures.
 - c. Masonry columns or walls; retaining walls; all over four (4) feet in overall height.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code."

- (5) Section 110 of the International Building Code, 20212024 Edition, is amended by adding subsections 110.7.1, 110.7.2, and 110.7.3 to read as follows:

"110.7.1 *Reinspection*. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to

the code official for reinspection. A fee shall be paid to the department for each failed inspection.

110.7.2 Subsequent reinspection. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the department prior to each subsequent failed inspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

110.7.3 Requirements prior to inspections. No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. Trash receptacle. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities shall be provided as required in 311.1 of the [20212024](#) IPC."

- (6) Section 113 of the International Building Code, [20212024](#) Edition, is amended by amending the title and section 113.1 to read as follows and by deleting sections 113.2 through 113.4 to read as follows:

"SECTION 113 CONSTRUCTION BOARD OF APPEALSBOARD OF ADJUSTMENT

113.1 General. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall~~In order to~~ hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code,~~there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter.~~ Where board of appeals appears in this code, it shall hereinafter read ~~construction board of appeals~~Board of Adjustment."

- (7) Section ~~114.1~~1115 of the International Building Code, [20212024](#) Edition, is amended by adding section ~~114.1.1~~1115.5 to read as follows:

"114.1.1115.5 Project nuisances. A stop work order may be issued if any of the following occur:

1. Construction litter and debris not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or any right-of-way.

2. Project address is not posted or visible from the street or the construction worker toilet facility missing or not in sanitary condition.
 3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen Code of Ordinances."
- (8) Section 406.7.2 of the International Building Code, 2021~~2024~~ Edition, is amended to read as follows:
- "*406.7.2 Canopies.* Canopies under which fuels are dispensed shall have a clear, unobstructed height of not less than 14 feet 0 inches (4,267.2 mm) to the lowest projecting element in the vehicle drive through area. [The remaining section in the code remains in effect and is not amended].
- (9) Chapter 10 of the International Building Code, 2024 Edition, is amended by adding section 1006.3.4.6, Single stairway exit for apartment buildings to read as follows:
- 1006.3.4.6. An apartment building meeting the requirements listed in Texas Government Code Section 214.301(b) is permitted to have a single stairway.
- (10) Chapter 11 of the International Building Code, 2021~~2024~~ Edition, is amended by deleting sections 110~~32~~ through ~~444~~1112 in their entirety, and amending section ~~4401.21~~1102.1 to read as follows:
- "~~4401.21~~1102.1 *Design.* Buildings and facilities shall be designed and constructed ~~to be accessible~~ in accordance with the Texas Accessibility Standards (TAS) of the Architectural Barriers Act. Buildings subject to the requirements of the ~~ASTexas Accessibility Standards~~ are described in ~~Administrative Rules of the Texas Department of Licensing and Regulation, Title 16 Texas Administrative Code~~ Section 68.20., Part 4, Chapter 68 Elimination of Architectural Barriers.
- Exception:* Buildings regulated under State Law and built-in accordance with State certified plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this chapter."
- (~~40~~11) Section 1612.3 of the International Building Code, 2021~~2024~~ Edition, is amended to read as follows:
- "*1612.3 Establishment of flood hazard areas.* To establish flood hazard areas, the governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Killeen, effective September 26, 2008" as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. (REF. Chapter 12 Flood Damage Prevention of the City of Killeen's Code of Ordinances)"

Secs. 8-182—8-185. Reserved.

DIVISION 2. EXISTING BUILDING CODE

Sec. 8-186. Adopted.

There is hereby adopted by the city the International Existing Building Code, ~~2021~~2024 Edition, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-187. Amendments.

The following sections of the International Existing Building Code, ~~2021~~2024 Edition, is hereby amended to read as follows:

- (1) Section 101.1 of the Existing International Building Code, ~~2021~~2024 Edition, is amended to read as follows:

"*101.1 Title.* These regulations shall be known as the ~~E~~existing ~~B~~building ~~C~~ode of the City of Killeen, Texas, hereinafter referred to as 'this code.'"

- (2) Section ~~s~~ 103.1 ~~– 103.3~~ of the Existing International Building Code, ~~2021~~2024 Edition, is amended to read as follows:

"*103.1 Creation of agency.* The Killeen Building Inspections Division is hereby created, and the official in charge thereof shall be known as the building official, hereinafter referred to as 'the building official' or 'the code official.' The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."

- (3) Section 105.2 of the International Existing Building Code, ~~2021~~2024 Edition, is amended by deleting Building, items 1 and 5.

- (4) Section 106.1 of the International Existing Building Code, ~~2021~~2024 Edition, is amended to read as follows:

"*106.1 Submittal documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in a digital format with each application for a permit. The construction documents shall be prepared by a registered design professional where required by statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:

1. Group A - assembly occupancies with a design occupant load of 100 or more persons.

2. Group E - educational occupancies with a design occupant load over 50 persons.
3. All Group H - hazardous occupancies and I - institutional occupancies.
4. Projects that require engineer sealed drawings and details:
 - a. As required by state law.
 - b. Structural repair projects, including foundation slab on grade repair.
 - c. Masonry columns or walls; retaining walls; all over four (4) feet in height.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code."

- (5) Section 109.6 of the International Building Code, 20212024 Edition, is amended by adding subsections 109.6.1, 109.6.2, and 109.6.3 to read as follows:

"109.6.1 Reinspection. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for failed reinspection. A fee shall be paid to the department for each failed inspection.

109.6.2 Subsequent reinspection. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

109.6.3 Requirements prior to inspections. No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. Trash receptacle. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities shall be provided as required in 311.1 of the 20212024 IPC."

- (6) Section 112 of the International Existing Building Code, 2021~~2024~~ Edition, is amended by amending the title and section 112.1 to read as follows and by deleting sections R112.2 through R112.4~~to read as follows:~~

"SECTION 112 ~~CONSTRUCTION BOARD OF APPEALS~~BOARD OF ADJUSTMENT

112.1 General. ~~In order to~~The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, ~~there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter.~~ Where board of appeals appears in this code, it shall hereinafter read ~~construction board of appeals~~Board of Adjustment."

- (7) Section ~~114.1~~114 of the International Existing Building Code, 2021~~2024~~ Edition, is amended by adding section ~~114.1.4~~114.5 to read as follows:

"~~114.1.1~~114.5 Project nuisances. A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public right-of-way.
2. Project address is not posted or visible from the street or the construction worker toilet facility missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen Code of Ordinances."

- (8) Section 110.1 of the Existing International Building Code, 2021~~2024~~ Edition, is amended by adding sections 110.1.2 and 110.1.3 to read as follows:

"110.1.2 Change in tenancy. It shall be unlawful to make a change in tenancy of any existing commercial use building, business lease space including an apartment complex business office without first making application for and obtaining approval for a certificate of occupancy.

110.1.3 Nontransferable. Once issued, a property used for a business activity, its certificate of occupancy is not transferable to another owner, person, business or property."

Secs. 8-188—8-189. Reserved.

DIVISION 3. RESIDENTIAL CODE

Sec. 8-190. Same—Adopted.

There is hereby adopted by the city the International Residential Code for One- and Two-Family Dwellings, 2021~~2024~~ Edition, together with Appendices AACA [Sizing and

Capacities of Gas Piping], [ABCE](#) [Sizing of Venting Systems], [AGCB](#) [Exit Terminals of Mechanical Draft and Direct-vent Venting Systems], [ADCC](#) [Recommended Procedure for Safety Inspection of an Existing Appliance Installation], [AEBA](#) [Manufactured Housing -used as Dwellings], [AFBE](#) [Radon Control Methods], [AGCD](#) [Piping Standards for Various Applications], [AHBF](#) [Patio Covers], [AJBO](#) [Existing Buildings and Structures], [AKBG](#) [Sound Transmission], [AMBD](#) [Home Day Care], [ANCE](#) [Venting Methods], [AOBH](#) [Automatic Vehicular Gates], AP [Sizing of Water Piping], [AQBB](#) [Tiny Houses], [ATNB](#) [Solar-Ready Provisions], [BM](#) [3D-Printed Building Construction], [BA](#) [Manufactured Housing Used as Dwellings], [BB](#) [Tiny Houses], [BC](#) [Accessory Dwelling Units], [BD](#) [Home Day Care – R3 Occupancy], [BF](#) [Patio Covers], [BG](#) [Sound Transmission], [BH](#) [Automatic Vehicular Gates], [BM](#) [3D-Printed Building Construction], [BN](#) [Extended Plate Wall Construction], [BO](#) [Existing Buildings and Structures], [CA](#) [Sizing and Capacities of Gas Piping], [CB](#) [Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents], [CC](#) [Recommended Procedure for Safety Inspection of an Existing Appliance Installation], [CD](#) [Piping Standards for Various Applications], [CE](#) [Venting Methods], [CF](#) [Sizing of Water Piping System], -and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-191. Same—Amendments.

The following sections of the International Residential Code for One- and Two-Family Dwellings, [2021/2024](#) Edition and amendments, are hereby amended to read as follows:

- (1) Section R101.1 of the International Residential Code for One- and Two-Family Dwellings, [2021/2024](#) Edition, is amended to read as follows:

“R101.1 Title. These provisions shall be known as the ~~r~~Residential ~~e~~Code for One- and Two-Family Dwellings, of the City of Killeen, hereinafter referred to as ~~“this code.”~~”

- (2) Section R105.1 of the International Residential Code for One- and Two-Family Dwellings, [2021/2024](#) Edition, is amended by adding Section R105.1.1 to read as follows:

“R105.1.1 Structural Repairs. A permit is required to perform structural repairs to buildings covered by this code including foundation repair projects.”

- (3) Section R105.2 of the International Residential Code for One- and Two-Family Dwellings, [2021/2024](#) Edition, is amended by deleting Building, items 5 and 10 and amending Building, items 1 and 2 to read as follows:

“Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 20 square feet (3.71 m²).
2. Fences not over 2 feet high.”

- (4) Section R106.1 of the International Residential Code for One- and Two-Family Dwellings, 2021~~2024~~ Edition, is amended by adding Section ~~R105.1.1~~R106.1.1.1 to read as follows:

~~"R106.1~~R106.1.1.1 *Submittal Documents*. Engineered documents are required to perform structural repairs or structural changes to buildings covered by this code to include foundation slab repair projects; ~~consisting of but not limited to~~including masonry or concrete columns or walls or retaining walls, all over four (4) feet in height."

- (5) Section R109.4 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by adding subsections R109.4.1, R109.4.2, and R109.4.3 to read as follows:

R109.4.1 Reinspection. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for reinspection. A failed inspection fee shall be paid to the department for each failed inspection.

R109.4.2 Subsequent reinspection. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

R109.4.3 Requirements prior to inspections. No inspection for new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. Trash receptacle. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities shall be provided as required in R306.5 of the 2021~~2024~~ IRC."

- (6) Section R112 of the International Residential Code for One- and Two-Family Dwellings, 2021~~2024~~ Edition, is amended by amending the title and section R112.1, to read as follows and by deleting sections R112.2 through R112.4 ~~to read as follows~~:

"SECTION R112 ~~CONSTRUCTION BOARD OF APPEALS~~BOARD OF ADJUSTMENT

R112.1 General. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall~~In order to~~ hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, ~~there~~

~~shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter.~~ Where board of appeals appears in this code, it shall hereinafter read ~~construction board of appeals~~Board of Adjustment."

- (7) Section 114.1 of the International Residential Code for One and Two-Family Dwellings, 2021~~2024~~ Edition, is amended by adding section 114.1.2 to read as follows:

"114.1.2 *Project nuisances*. A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or right-of-way.
2. Project address is not posted or visible from the street or the construction worker toilet missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen Code of Ordinances."

- (8) Section R301.2 of the International Residential Code for One-and Two-Family Dwellings, 2021~~2024~~ Edition, is amended by inserting the appropriate design criteria in Table R301.2~~(1)~~ as follows:

Ground Snow Load	Wind Speed ^d (mph)	Seismic Design Category ^f
5 lb/ft ²	115 (3-sec-gust)	A

Subject to damage from

Weathering ^a	Frost line depth ^b	Termite ^c	Decay ^d	Winter Design Temp ^f	Flood Hazards ^g
Moderate	4"	Moderate to heavy	Slight to moderate	26° F	Local code

- (9) Section ~~R326~~R306 of the International Residential Code for One- and Two-Family Dwellings, 2021~~2024~~ Edition, is amended by adding section ~~306-5~~R326.5 to read as follows:

"~~R306-5~~R326.5 *Toilet facilities for workers*. Each contractor shall provide toilet facilities for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3. The path of travel to required facilities shall not exceed a distance of 150 feet (45.5 m)."

- (10) Section ~~R313-2~~R309.2 of the International Residential Code for One-and Two-Family Dwellings, 2021~~2024~~ Edition, is amended by deleting section 313.2

One- and two-family dwellings automatic fire sprinkler systems in its entirety; in accordance with Texas ~~Occupational~~ Code section 1301.55(i).

~~(11) Chapters 34 through 4043 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition [Electrical Requirements], are amended by deleting them in their entirety.~~

Secs. 8-192—8-209. Reserved.

DIVISION 4. ELECTRICAL CODE

Subdivision 1. Code Adoption

Sec. 8-210. Adopted.

There is hereby adopted by the city the National Electrical Code (NFPA 70), ~~2020~~2023 Edition, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-211. Amendments.

Section 80.15, Annex H of the National Fire Code, 2023 Edition, is amended by amending Section 80.15(A) to read as follows and by deleting Sections 80.15(B) through 80.15(D):

(1) “(A): Board of Adjustment. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code. Where “electrical board” or “board” appears in this code, it shall hereinafter read Board of Adjustment.”

Secs. 8-21~~12~~—8-219. Reserved.

Subdivision 2. Additional Local Requirements

Sec. 8-220. General installation requirements for residential and commercial buildings and structures.

- (a) All electrical construction and all materials and appliances used in connection with the installation, maintenance, and operation of electrical wiring, apparatus, or equipment for the utilization of electrical energy for light, heat or power shall conform to the rules and regulations of this section, the adopted electrical code, and in harmony with the electrical service guidelines of the local electrical utility provider.
- (b) *Abandoned wiring.* Whenever new wiring is replacing old wiring, the old wiring shall be completely removed where possible. Abandoned wiring that cannot be removed shall be rendered unusable for future use before final approval shall be given for the new wiring.

- (c) *Additions to existing wiring.* Where additions or extensions are made, and part of the existing wiring remains in use, and if defects exist in same, the existing wiring must be corrected and shall meet standards for new work.
- (d) *Electrical service upgrade required.* The electrical service shall be upgraded on a structure when electrical power is disconnected for any of the following conditions:
 - (1) Dangerous or unsafe electrical hazards;
 - (2) Substantial damage to electrical service over fifty percent (50%); or
 - (3) Loss of electrical power for a period of one (1) year or longer.
- (e) *Electrical system upgrade required (total rewire).* The electrical system shall be upgraded on a structure when any of the following occur:
 - (1) Dangerous or unsafe electrical hazards.
 - (2) Substantial damage to electrical system over fifty percent (50%).
 - (3) Building Change of use from residential use to commercial use. For the purpose of this section, apartment dwellings are considered residential use and hotel/motel structures are considered commercial use.
- (f) *Service masts as supports.* In addition to the requirements in the NEC, section 230-28, all service masts installed as support for service-drop conductors shall meet the following:
 - (1) Service conduit extending through the roof and used for a service support shall be sealed at the roof with an approved flashing and extend a minimum of thirty of thirty-six (36) inches above the roof. Such service conduit shall be anchored just before entering the roof.
 - ~~(2) A minimum size of two (2) inches rigid conduit shall be used for service mast. E.M.T. or I.M.C are not acceptable for service masts supports.~~
- (g) *Services—General.* In addition to the requirements in the NEC, Section 230, all services installed shall meet the following:
 - (1) All entrance service conductors shall be enclosed in galvanized conduit or electrical metallic tubing. A minimum of one and one-quarter inch (1-1/4") conduit shall be used for service other than for service masts.
 - (2) Length of outside service wire extension beyond service weatherhead shall not be less than (1) one foot.
 - (3) Unless otherwise allowed in Section 230 of the adopted NEC, tenant or lease space buildings shall have only (1) electrical service meter allowed for each individual tenant space.
 - (4) Reconfigured tenant spaces that combine the interior spaces, through interior openings, doors, or other access points, of two or more originally separate tenant spaces in order to serve one (1) tenant exclusively shall be required to remove all but one (1) electrical service meter.

~~(h) *Electrical metallic tubing installation.* Electrical metallic tubing shall not be permitted for direct burial in earth or installed in or under concrete on grade or below grade. (REF. NEC Article 348-10 Uses Permitted.)~~

~~(i)~~(h) *Main disconnects.* Service entrance conductors hereafter installed on all buildings, shall require a single main disconnect or manual shunt-trip device located outside the building or structure. When a remote shunt-trip button is installed, it shall be located on the exterior of the building or structure and shall have a visual indication that the service has been disconnected when the trip has been activated. The shunt-trip button shall be in a sturdy, exterior cabinet that can be secured with a padlock. The cabinet shall be permanently marked on the exterior, stating "shunt-trip disconnect."

~~Sec. 8-221. Reserved.~~

Sec. 8-22~~1~~¹². Additional commercial requirements for hotel, motel, and other non-residential use buildings or structures.

~~(a) *Wiring requirements.* All electrical wiring installed in nonresidential buildings and dwelling buildings over three (3) stories tall shall be installed with code approved conduit materials and methods. Non-metallic sheathed cable (Romex type wire) shall not be used.~~

~~(a)~~(b) *Receptacle requirements.* Receptacles and switches in commercial buildings shall be rated a minimum of twenty (20) ampere.

~~(b)~~(e) *Minimum building service.* Except for small unoccupied buildings and structures such as ATM booths, billboards, and similar uses all nonresidential buildings shall have a minimum of a two hundred (200) ampere service.

Secs. 8-~~223~~²²²—8-239. Reserved.

DIVISION 5. PLUMBING CODE

Sec. 8-240. Adopted.

There is hereby adopted by the city the International Plumbing Code, ~~2021~~²⁰²⁴ Edition, together with Appendices B (Rates of Rainfall for Various Cities, C (Structural Safety), D (Degree Day and Design Temperatures, and E (Sizing of Water Pipe System) and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-241. Amendments.

The following sections of the International Plumbing Code, ~~2021~~²⁰²⁴ Edition, together with Appendices B, C, D and E, and amendments, are hereby amended to read as follows:

- (1) Section 101.1 of the International Plumbing Code, ~~2021~~²⁰²⁴ Edition, is amended to read as follows:

"101.1 Title. These regulations shall be known as the plumbing code of the City of Killeen, hereinafter referred to as "this code."

- (2) Section 103.1 of the International Plumbing Code, ~~2021~~2024 Edition, is amended to read as follows:

"103.1 *Creation of agency.* The Killeen Building Inspections Division is hereby created, and the official in charge thereof shall be known as the building official, hereinafter referred to as 'the building official' or 'the code official.' The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."

- (3) Section 112 of the International Plumbing Code, 2024 Edition, is amended by amending Section 112.1 to read as follows and by deleting Sections 112.2 through 112.4:

"112.1: *Board of Adjustment.* The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code. Where board of appeals appears in this code, it shall hereinafter read Board of Adjustment."

- (4) Section 113.1 of the International Plumbing Code, 2024 Edition, is amended to read as follows:

"113.1: *Membership of the Board.* The membership of the board is as established in Section 31-67 of the Code of Ordinances, City of Killeen."

- ~~(53)~~ Section 305.4.1 of the International Plumbing Code, ~~2021~~2024 Edition, is amended to read as follows:

"305.4.1 *Building Sewers.* Building sewers that connect to private sewage systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches below grade."

- ~~(64)~~ Section ~~903.1~~903.1.1 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

~~"903.1~~903.1.1 *Roof extension.* Open vent pipes that extend through a roof shall be terminated at least 6 inches (152 mm) above the roof."

Sec. 8-242. Water conservation.

(a) Car washes.

- (1) The Executive Director of the Department, or designee, shall develop and implement an annual certification program that shall ensure that all car washes comply with the requirements of this section.
- (2) New conveyer and in-bay automatic car washes must be equipped with and utilize a water recycling system that reuses a minimum of fifty (50) percent of water from previous vehicle rinses in subsequent washes.

- (3) Any existing conveyer or in-bay automatic car wash that is equipped with a water recycling system, as of the effective date of this section, shall use the water recycling system and reuse a minimum of fifty (50) percent of water from previous vehicle rinses in subsequent washes.
 - (4) New conveyer systems shall not use more than thirty-five (35) gallons of water per vehicle.
 - (5) New in-bay automatic car washes shall use no more than forty-five (45) gallons of water per vehicle.
 - (6) New self-service car washes shall utilize positive cutoff device spray wands with a flow rate of no more than three (3) gallons of water per minute.
 - (7) New and existing car washes owners shall ensure that no water leaks are present in the vehicle washing equipment.
- (b) *Enforcement.* Pursuant to section 8-2, any person violating any provision of this section is subject to a fine as provided in section 1-8. Each day any violation of this section shall continue shall constitute a separate offense.

Secs. 8-243—8-259. Reserved.

DIVISION 6. FUEL GAS CODE

Sec. 8-260. Adopted.

There is hereby adopted by the city the International Fuel Gas Code, ~~2021~~2024 Edition, together with Appendix A (Sizing and Capacities of Gas Piping), B (Sizing of Vent Systems), C (~~Exit Terminations~~), ~~D~~ (Recommended Procedures for Safety Inspections) and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-261. Amendments.

The following sections of the International Fuel Gas Code, ~~2021~~2024 Edition, are hereby amended to read as follows:

- (1) Section 101.1 of the International Fuel Gas Code, ~~2021~~2024 Edition, is amended to read as follows:

"101.1 *Title.* These regulations shall be known as the fuel gas code of the City of Killeen, hereinafter referred to as "this code."
- (2) Section 103.1 of the International Fuel Gas Code, ~~2021~~2024 Edition, is amended to read as follows:

"103.1 *Creation of agency.* The Killeen Building Inspections Division is hereby created, and the official in charge thereof shall be known as the building official, hereinafter referred to as 'the building official' or 'the code official.' The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."

(3) Section 112 of the International Fuel Gas Code, 2024 Edition, is amended by amending Section 112.1 to read as follows and by deleting Sections 112.2 through 112.4:

112.1: Board of Adjustment. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code. Where board of appeals appears in this code, it shall hereinafter read Board of Adjustment."

Secs. 8-262—8-279. Reserved.

DIVISION 7. MECHANICAL CODE

Sec. 8-280. Adopted.

There is hereby adopted by the city the International Mechanical Code, ~~2021~~2024 Edition, together with Appendix A (Chimney Connector Pass-Throughs), and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-281. Amendments.

The following sections of the International Mechanical Code, ~~2021~~2024 Edition, are hereby amended to read as follows:

- (1) Section 101.1 of the International Mechanical Code, ~~2018~~2024 Edition, is amended to read as follows:

"101.1 Title. These regulations shall be known as the mechanical code of the City of Killeen, hereinafter referred to as "this code."

- (2) Section 103.1 of the International Mechanical Code, ~~2021~~2024 Edition, is amended to read as follows:

"103.1 Creation of agency. The Killeen Building Inspections Division is hereby created, and the official in charge thereof shall be known as the building official, hereinafter referred to as 'the building official' or 'the code official.' The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."

- (3) Section 112 of the International Mechanical Code, 2024 Edition, is amended by amending Section 112.1 to read as follows and by deleting Sections 112.2 through 112.4:

"112.1: Board of Adjustment. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code. Where

board of appeals appears in this code, it shall hereinafter read Board of Adjustment."

- (4) Section 113 of the International Mechanical Code, 2024 Edition, is amended to read as follows:

"113.1: Membership of the Board. The membership of the board is as established in Section 31-67 of the Code of Ordinances, City of Killeen."

Secs. 8-282—8-299. Reserved.

DIVISION 8. ENERGY CONSERVATION CODE

Sec. 8-300. Adopted.

There is hereby adopted by the city the International Energy Conservation Code, 2021~~2024~~ Edition, together with Appendix RARB (Solar-Ready Provisions) with amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-301. Amendments.

The following sections of the International Energy Conservation Code, 2021~~2024~~-Edition, are hereby amended to read as follows:

- (1) Section C101.1 of the International Energy Conservation Code, 2021~~2024~~-Edition, is amended to read as follows:

"C101.1 Title. These regulations shall be known as the energy conservation code of the City of Killeen, hereinafter referred to as "this code."

- ~~(2) Section R101.1 of the International Energy Conservation Code, 2021~~2024 ~~Edition, is amended to read as follows:~~

~~"R101.1 Title. These regulations shall be known as the energy conservation code of the City of Killeen, hereinafter referred to as "this code."~~

- ~~(3) Section Table R402.1.3 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:~~

~~"Table R402.1.3 Insulation minimum R-Values and Fenestration Requirements by Component. The Ceiling R-Value for Zone 2 is R38."~~

- (2) Section C109 of the International Energy Conservation Code, 2024 Edition, is amended by amending Section C109.1 to read as follows and by deleting Sections C109.2 through C109.4:

"C109.1: Board of Adjustment. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code. Where board of appeals appears in this code, it shall hereinafter read Board of Adjustment."

Secs. 8-302—8-309. Reserved.

DIVISION 9. SWIMMING POOL AND SPA CODE

Sec. 8-310. Adopted.

There is hereby adopted by the city the International Swimming Pool and Spa Code, ~~2021~~2024 Edition, together with amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-311. Amendments.

The following sections of the International Swimming Pool and Spa Code, ~~2021~~2024 Edition, are hereby amended to read as follows:

- (1) Section 101.1 of the International Swimming Pool and Spa Code, ~~2021~~2024 Edition, is amended to read as follows:

"101.1 Title. These regulations shall be known as the swimming pool and spa code of the City of Killeen, hereinafter referred to as "this code."

- (2) Section 103.1 of the International Swimming Pool and Spa Code, ~~2021~~2024 Edition, is amended to read as follows:

"103.1 Creation of agency. The Killeen Building Inspections Division is hereby created, and the official in charge thereof shall be known as the building official, hereinafter referred to as 'the building official' or 'the code official.' The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."

- (4) Section 112 of the International Swimming Pool and Spa Code, 2024 Edition, is amended by amending Section 112.1 to read as follows and by deleting Sections 112.2 through 112.4:

"112.1: Board of Adjustment. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code. Where board of appeals appears in this code, it shall hereinafter read Board of Adjustment."

Secs. 8-312—8-319. Reserved.

DIVISION 10. PROPERTY MAINTENANCE CODE

Sec. 8-320. Adopted.

There is hereby adopted by the city the International Property Maintenance Code, 2021 Edition, and amendments, a copy of which is attached hereto and made a part of

this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

Sec. 8-321. Amendments.

The following sections of the International Property Maintenance Code, 2021~~2024~~ Edition, and amendments, are hereby amended to read as follows:

- (1) Section 101.1 of the International Property Maintenance Code, 2021~~2024~~ Edition, is amended to read as follows:

"101.1 Title. These regulations shall be known as the property maintenance code of the City of Killeen, hereinafter referred to as "this code."

- (2) Section 103.1 of the International Property Maintenance Code, 2021~~2024~~ Edition, is amended to read as follows:

"103.1 Creation of agency. The Killeen Code Enforcement Division is hereby created, and the official in charge thereof shall be known as the buildingcode official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."

- (3) Section ~~407~~106 of the International Property Maintenance Code, 2021~~2024~~ Edition, is amended by amending section ~~407.1~~106.1 to read as follows and by deleting sections ~~407.2~~106.2 through ~~407.8~~106.8 ~~to read as follows~~:

"SECTION ~~407~~106 ~~CONSTRUCTION BOARD OF APPEALS~~BOARD OF ADJUSTMENT

~~407.1~~106.1 General. ~~In order to The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions or determinations made by the Code official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter.~~ Where board of appeals appears in this code, it shall hereinafter read ~~construction board of appeals~~Board of Adjustment."

- (4) Section 302.4 of the International Property Maintenance Code, 2021~~2024~~ Edition, is amended to read as follows:

"302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches (304.8 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

- (5) Section 302.7 of the International Property Maintenance Code, 2021~~2024~~ Edition, is amended to add Section 302.7.1 to read as follows:

"302.7.1 Fence Maintenance.

For the purposes of the chapter, fence shall be as defined in Chapter 31, Division 10 of the Killeen Code of Ordinances.

All fences shall be maintained as follows:

- a. Fences shall not be out of vertical alignment more than one (1) foot from the true vertical (90-degree angle from adjacent grade) measured at the top of the fence.
- b. Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) shall be replaced, removed, or repaired within a reasonable time to make corrections as indicated in the notification of non-compliance. Fences enclosing swimming pools or spas must be repaired immediately.
- c. Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which the repair is being made. Nothing herein shall be construed so as to prohibit the complete removal of a fence, unless such fence encloses a swimming pool or spa, or the fence is required for screening purposes in accordance with Chapter 31 - Zoning."

- (6) Section 304.14 of the International Property Maintenance Code, [2021/2024](#) Edition, is amended to read as follows:

"304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitted screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed."

- (7) Sections 602.3 and 602.4 of the International Property Maintenance Code, [2021/2024](#) Edition, are amended to read as follows:

"602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code."

"602.4 Occupied workspaces. Indoor occupiable workspaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the space is occupied. Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities."

(8) Section 607 of the International Property Maintenance Code, 20212024 Edition, is amended to add Section 607.2607.3 to read as follows:

"607.2607.3 *Duct Cleaning*. Existing heating and/or air conditioning ducts are required to be free of excessive dust, lint, mold, or other contaminants."

Secs. 8-322—8-339. Reserved.

DIVISION 11. AIRCRAFT NOISE ATTENUATION REQUIREMENTS

Sec. 8-340. Aircraft noise attenuation requirements.

I. Aircraft Noise Zones.

- A. For the purposes of this code, certain sections of the city are declared to be and are hereby established as zones subject to significant noise from aircraft. These zones shall be known and designated as the 65-70 LDN Noise Zone and the Over 70 LDN Noise Zone, as such are identified within the 1991 Killeen municipal airport master plan.
- B. These noise zones shall include, and be limited to, such territory or portions of the city as is designated and shown within aircraft noise impact maps of the 1991 Killeen Municipal airport master plan, which are hereby incorporated into this code and made a part hereof for all intents and purposes.

II. Noise Level Reduction Standards.

- A. Plans for the construction of buildings or structures within noise zones shall be certified as achieving at least the outdoor to indoor noise level reductions as measured in decibels within the building as follows:

BUILDING USE	65-70 LDN NOISE ZONE	OVER 70 LDN NOISE ZONE
RESIDENTIAL		
Residential within each unit including transient lodgings	25	30
PUBLIC USE		
Schools, Hospitals, Nursing Homes	25	30

III. Certification of Plans Prior to Issuance of Building Permit.

- A. The building official shall not issue a building permit for any buildings or structures within the noise zones established by this ordinance unless:

1. The plans and specifications accompanying the application for said permit are certified by a bona fide acoustical consultant as meeting the Noise Level Reduction standards required by this ordinance; or
2. By certification of the building official that the following construction standards have been met:
 - a. Building Requirements for a Minimum Noise Level Reduction of 25 dB (within the 65-70 LDN):

Exterior Walls

Masonry walls shall be equivalent in weight to six-inch minimum light-weight concrete block. At least one surface shall be painted or plastered. A furred interior wall is not required on the inside of masonry walls.

Siding-on-sheathing, stucco or brick veneer shall be installed on the outside of minimum 4-inch nominal deep studs.

Interior wall surface of exterior wall shall be minimum half-inch gypsum board or plaster installed on the inside of the wall studs.

Continuous sheathing as required by the code shall cover the exterior said of the wall studs behind wood, asphalt or aluminum siding. The sheathing shall be minimum half-inch thick.

Sheathing boards or panels shall be butted tightly and covered on the exterior with overlapping and airtight building paper when wood sheathing is used.

Brick veneer, masonry blocks or stucco walls shall be constructed airtight except as otherwise required by the code. All surface joints shall be grouted or caulked airtight. Weep Holes shall be installed in the bottom vertical joint a maximum of eight foot on center.

Penetration of wall by pipes or ducts shall be caulked or filled with mortar.

Windows

Glass of single-glazed windows shall be minimum three-sixteenth's of an inch thick.

Glass of double-glazed windows shall be of standard manufacturers' thickness and separation of not less than one-quarter inch.

All operable windows in these dwellings shall contain hinged-type sash or double-hung sash. The sash shall be rigid and weather stripped with an efficiently airtight, flexible nonmetallic material that is compressed airtight when the window is closed.

Horizontally sliding sash windows may be used only if the sash is weather stripped with an efficiently airtight gasket and if the window has a laboratory sound transmission rating of STC-28 or greater.

Glass for fixed-sash windows shall be set and sealed in an airtight non-hardening glazing compound or in an elastomer gasket.

The perimeter of window frames shall be sealed airtight to the exterior wall construction and all gaps between the window frame and the wall framing shall be filled with an insulating foam or stuffed with batt insulation.

Doors

All exterior doors shall be one and three-quarter inch solid core wood or metal clad door and shall be fully weather stripped in an airtight manner and all gaps between the window frame and wall framing shall be filled with an insulating foam or stuffed with batt insulation.

Sliding doors may be used if the operable sash is weather stripped with an efficient airtight gasket and if the door has a laboratory sound transmission rating of STC-28 or greater. Glass of sliding doors shall be minimum three-sixteenth's of an inch thick.

The perimeter of door frames shall be sealed airtight to the exterior wall construction.

Ceilings

Minimum half inch thick gypsum board or plaster ceilings shall be provided below attic space or roof rafters or roof construction less than eight psf.

A minimum thermal resistance @ factor of nineteen shall be provided above the ceiling between the joists. Insulation in attic space shall have no paper or foil covering on the face exposing to the attic.

Ventilation

Mechanical ventilation shall be provided of a type and design to provide adequate environmental comfort with all doors and windows closed during all seasons.

Window and through-the-wall ventilation units shall not be allowed.

Vent openings in attic or crawl spaces shall be minimum in number and size to provide proper ventilation. A "vent" shall mean a conduit or passageway, vertical or nearly so, for conveying products of combustion to the outside atmosphere.

Return air duct lining shall be one-inch minimum coated glass fiber duct liner.

Fireplaces shall be provided with well-fitted dampers.

- b. Building Requirements for a Minimum Noise Level Reduction of 30 dB (within the 70 and above LDN):

Exterior Walls

Masonry block units shall be equivalent in weight to minimum six-inch dense concrete block. At least one surface shall be painted or plastered. A furred interior wall is not required on the inside of masonry walls.

Siding-on-sheathing, stucco or brick veneer shall be installed on the outside of minimum four-inch nominal deep studs.

Interior wall surface of exterior walls shall be minimum five-eighth inch gypsum board or plaster installed on the inside of the wall studs.

Continuous sheathing as required by the code shall cover the exterior side of the wall studs behind wood, asphalt or aluminum siding. The sheathing shall be minimum half-inch thick. The weight of the sheathing and facing shall be at least four psf.

Sheathing boards or panels shall be butted tightly and covered on the exterior with overlapping and airtight building paper. The top and bottom edges of the sheathing shall be sealed airtight.

A minimum thermal resistance R-value ~~@-factor~~ of thirteen shall be provided in the cavity space behind the exterior sheathing and between wall studs with glass fiber or mineral wool.

Brick veneer, masonry blocks or stucco walls shall be constructed airtight except as otherwise required by the code. All surface joints shall be grouted or caulked airtight.

Penetration of wall by pipes or ducts shall be caulked or filled with mortar.

Windows

Single-glazed windows may be used if the window is fixed and if the glazing is acoustical glass with a laboratory sound transmission rating of minimum STC-35.

Glass of double-glazed windows shall be minimum of three-sixteenth's of an inch in thickness. Panes of glass shall be separated by a minimum quarter-inch air space and shall not be equal in thickness.

Glass of triple-glazed windows shall be of standard manufacturer's width and separation.

Double and triple glazed windows shall contain fixed sash or efficiently weather-stripped operable sash. The sash shall be rigid and weather stripped with an efficiently airtight material that is compressed airtight when the window is closed.

Glass of fixed-sash windows shall be set and sealed in an airtight non-hardening glazing compound or in a elastomer gasket.

The perimeter of window frames shall be sealed airtight to the exterior wall construction and all gaps between the window frame and the wall framing shall be filled with an insulating foam or stuffed with batt insulation.

The total area of glass of both windows and doors in sleeping spaces shall not exceed twenty percent of the net floor area.

Doors

Double-door construction is required for all door openings to the exterior. If doors are separated by a vestibule of three-foot minimum depth, each door shall be one and a half-inch minimum solid core wood or metal clad door. One door shall be weather stripped in an airtight manner. The other door shall be tightly fitted to the door frame or shall be weather stripped.

If no vestibule is used, a one and three-quarters of an inch minimum solid core wood door may be used in series with a storm door. Both doors shall be weather stripped in an airtight manner.

Single-frame sliding glass doors shall not be used. The glass of double sliding doors shall be separated by a minimum one-quarter of an inch airspace. Each sliding frame shall be provided with an efficiently airtight weather-stripping material.

Glass of storm and sliding doors shall be minimum three sixteenth's of an inch. Glass of double sliding doors shall not be equal in thickness.

The perimeter of door frames shall be sealed airtight to the exterior wall construction.

Roofs

Roof sheathing shall be minimum three-quarter inch thick continuous plywood. Spaced board-sheathing shall not be used.

Roof sheathing joints shall be sealed airtight and shall be covered with overlapping, airtight building paper.

Exposed roof decks shall be minimum two-inch-thick wood or concrete, and the total weight of the roof construction shall be a minimum of twelve psf.

Ceilings

A minimum half inch thick gypsum board or plaster ceiling shall be provided below attic spaces or below the roof rafters or roof decks less than two inches thick and weighing less than twelve psf.

The ceiling shall be a minimum of twelve inches below the roof sheathing.

A minimum thermal resistance ~~@ factor~~ R-value of twenty-three shall be provided above the ceiling between the joists. Insulation in attic

space shall have no paper or foil covering on the face exposing to the attic.

Ventilation

Mechanical ventilation shall be provided of a type and design to provide adequate environmental comfort with all doors and windows closed during all seasons.

Window and through-the-wall ventilation units shall not be used.

Vent openings in attic or crawl spaces shall be minimum in number and size. The openings shall be provided with five-foot long transfer ducts containing at least one ninety-degree elbow and internal acoustical lining.

Ventilation ducts connecting the interior space to the outdoor or attic space shall contain at least ten-foot-long internal duct lining plus one limited ninety degree elbow.

Duct lining shall be coated glass fiber duct liner of one-inch minimum thickness.

Operational vented fireplaces shall not be used.

Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.

Doors to mechanical equipment areas shall be one and three-quarter inch minimum solid core wood or twenty-gauge steel hollow metal and shall be fully weather stripped.

Other

All sleeping spaces shall be provided with either carpeting or an acoustically treated ceiling.

Through-the wall/door mailboxes shall not be allowed.

- B. Bona fide acoustical noise consultants shall include members of the National Council of Acoustical Consultants and others who are approved by the building official, such approval being based on the demonstration of competence and credentials in the area of architectural acoustics.
- C. A building or structure which is located partly within a noise zone and partly without, or located partly within one noise zone and partly within another noise zone shall be considered to be entirely within the most restrictive of the noise zones within which it is located.

Secs. 8-341—8-369. Reserved.

ARTICLE V. UNSAFE BUILDINGS OR OTHER STRUCTURES

DIVISION 1. GENERALLY

Sec. 8-370. Scope.

This chapter shall apply to all dangerous buildings or other structures and/or any of its components or systems and shall apply equally to new and existing conditions.

Sec. 8-371. Definitions.

Board means the ~~construction board of appeals~~ Board of Adjustment of the City of Killeen.

Building official shall mean the officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter.

Construction standards means all of the construction codes adopted in this chapter.

Dangerous building or structure means any premises, building or structure that is:

- (a) Regardless of the structural condition of the building or structure, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by minors; or
- (b) Boarded up, fenced, or otherwise secured in any manner if:
 - (1) The building constitutes a danger to the public even though secured from entry; or
 - (2) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described in subdivision (a) of this definition; or
- (c) Dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety and welfare. A building, premises or structure that contains the following defects shall be considered a dangerous building or structure under this definition:
 - (1) Those buildings or structures whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 - (2) Those buildings or structures which, exclusive of the foundations, show 33 percent or more damage or deterioration to the supporting member or members, or 50 percent damage or deterioration to the nonsupporting enclosing or outside walls or covering;

- (3) Those buildings or structures:
 - a. Which have improperly distributed loads upon floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used; or
 - b. In which the stress in any material, member or portion thereof, due to all imposed loads, including dead load, exceeds the stresses allowed in the construction standards adopted by the city;
- (4) Those buildings or structures which have been damaged by fire, flood, earthquake, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the general public;
- (5) Those buildings or structures which have been damaged by fire, flood, earthquake, wind, or other causes to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the construction standards adopted by the city for new buildings;
- (6) The condition of the structure or building is likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein or to persons or property in its vicinity;
- (7) A building, structure, or portion thereof which, as a result of decay, deterioration or dilapidation, is reasonably likely to fully or partially collapse;
- (8) Those buildings or structures having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who occupy the building or structure;
- (9) Those buildings or structures having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication in order to evacuate in a timely and expedient manner in order to avoid injury or peril from within;
- (10) Those buildings or structures which have:
 - a. Parts thereof which are detached that they may reasonably be expected to fall and injure members of the public or property, or
 - b. Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind or similar loads as required by the construction standards adopted.
- (11) Those buildings, structures, or a portion thereof, that do not contain sufficient space for sleeping or occupation of the building;
- (12) Those buildings or structures which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare;

- (13) Those buildings or structures that are unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment;
- (14) Those buildings or structures that have been constructed or maintained in violation of a specific requirement of any of the construction codes adopted in chapter 8 or contrary to any State law.

Structure means a building or other structure, or part of a building or other structure.

Unsafe equipment means equipment on the premises or within a structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure to include any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment.

Unsafe building or structure means one that is found to be dangerous to the life, health, property or safety of the public or occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Vacate means to leave the premises and not return until further allowed by the building official or the board.

Secs. 8-372—8-380. Reserved.

DIVISION 2. ENFORCEMENT AND ABATEMENT

Sec. 8-381. Public nuisance.

All "dangerous buildings or structures" within the terms of section 8-371 are declared to be public nuisances, and shall be abated as provided in this [Chapter](#).

Sec. 8-382. Standards for repair, vacation, or demolition.

The standards for ordering repair, vacation and/or demolition of a building or other structure shall be as follows:

- (a) *Ordered repaired.* If the dangerous building or structure can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this chapter, it shall be ordered remedied or repaired. Repairs shall be deemed feasible only if less than 50 percent of the structure of the building must be repaired or replaced or the value of the structure is reduced by less than 50 percent because of the violations. Value shall be determined by comparing the most recent valuation for the building or structure by the Bell County Tax Appraisal District with the valuation of the building or structure two years prior to the most recent valuation by the Bell County Tax Appraisal District.

- (b) *Ordered vacated and/or secured.* If the dangerous building or structure is in such a condition as to make it hazardous to the health, safety or general welfare of its occupants or the public, it shall be ordered vacated and secured, and the order may also require the occupants to be relocated.
- (c) *Ordered demolished.* In any case where more than 50 percent of a building or structure is damaged, decayed or deteriorated, it shall be ordered demolished or removed, unless the board deems that the structure can be feasibly repaired or the condition remedied. In all cases where a building cannot be repaired, it shall be ordered demolished.

Sec. 8-383. Minimum standards for continued use or occupancy.

In this ~~e~~Cchapter, the minimum standards that shall determine the suitability of a building for continued use or occupancy, regardless of the date of construction, are those found in article IV of the city's adopted construction standards, as amended by the city.

Sec. 8-384. Commencement of proceedings.

Whenever the building official has determined that a structure is a dangerous building or structure, he shall obtain a date and time for a public hearing before the board to determine whether the building complies with the standards set out in this ~~C~~echapter. The building official may seek voluntary compliance with this ~~e~~Cchapter with the owner, lienholder, or mortgagee of the building or structure before seeking a hearing before the board. If the building official receives voluntary compliance from the owner, lienholder or mortgagee, the building official need not seek a public hearing from the board.

Sec. 8-385. Notice of hearing.

- (a) Notice of the public hearing required under section 8-384 shall be sent to the owner of record, lienholder, and mortgagee of the affected property. The notice shall be served at least fifteen (15) calendar days there from prior to the hearing date. The notice may be served personally or by certified mail, return receipt. The executed return receipt shall be prima facie evidence of service. If the owner of record, lienholder, or mortgagee of the building cannot be identified, the city shall make a diligent effort, use its best efforts, or make a reasonable effort to determine the identity and address of an owner, a lienholder, or mortgagee. If a notice is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice shall be deemed to be delivered.
- (b) The city may file a notice of the hearing in the official public records of real property for Bell County.
- (c) The filing of the notice of hearing in the official public records of real property for Bell County is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and

constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

Sec. 8-386. Contents of notice.

- (a) The notice shall contain:
 - (1) The name and address of the owner of the affected property if that information can be determined;
 - (2) A legal description of the affected property; and
 - (3) A description of the hearing.
- (b) A notice of a public hearing required by section 8-384 sent to an owner, lienholder or mortgagee shall:
 - (1) Include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing written proof of the scope of any work that may be required to comply with this chapter and the time it will reasonably take to perform the work; and
 - (2) Contain a description of each violation which allegedly exists, a statement that the city may perform the required work to abate the violation if the owner fails to do so, and an explanation of the owners right to a hearing before the board.

Sec. 8-387. Public hearing.

At the hearing the building official shall present evidence of the condition of the structure and may recommend a course of action. The owner, lienholder, mortgagee, or any other interested party may present evidence on any relevant issues.

Sec. 8-388. Board orders.

- (a) After the public hearing, if a structure is found in violation of standards set out in this chapter or any other applicable ordinances, the board may:
 - (1) Find the structure to be a dangerous building or structure and order that the building or structure be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time. The board may order that the owner relocate the occupants within a reasonable time; or
 - (2) Grant a variance in order to avoid the imposition of an unreasonable hardship; or
 - (3) In the case of a single-family dwelling occupied by the owner where the health, safety and welfare of other persons will not be affected, grant an exception to any provision of this Chapter to avoid the imposition of an unreasonable hardship.
- (b) The mortgagees and lienholders may be provided an additional reasonable amount of time to comply with the ordered action in the event the owner fails to comply with the order within the time provided for action by the owner.

- (c) A board order shall require the owner, lienholder, or mortgagee of the building to within 30 days:
 - (1) Secure the building from unauthorized entry; or
 - (2) Repair, remove or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
- (d) If the board allows the owner, lienholder, or mortgagee more than 30 days to repair, remove or demolish the building, the board shall set specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the board.
- (e) The board may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - (1) Submits a written detailed plan and time schedule for the work at the hearing; and
 - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (f) If the board allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the board will require the owner, lienholder, or mortgagee to regularly submit progress reports, as defined by the board, to the building official to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the board or the building official to demonstrate compliance with the time schedules.
- (g) If the board allows the owner, lienholder, or mortgagee to repair, remove or demolish the building, the work shall be done in compliance with all permitting requirements of the city and State of Texas. Any repair work must comply with the applicable codes for the work to be completed.
- (h) If the owner, lienholder, or mortgagee owns property, including structures and improvements on property, within the city limits of the city with a value that exceeds \$100,000.00 in total value, the board may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate ~~enough~~ to cover the cost of repairing, removing, or demolishing a building or structure under subsection (f) of this section. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or guaranty from a third party approved by the board. The bond must be posted, or the letter of credit or third-party guaranty provided, not later than the 30th day after the board issues the order. Value may be determined by using the appraised value of real property and improvements as determined by the Bell County Tax Appraisal District, or its successor in interest.

- (i) The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the applicable city ordinances and the time it will take to reasonably perform the work.

Sec. 8-389. Actions subsequent to board order.

- (a) Within ten (10) days after the date the order is issued, the city shall:
 - (1) File a copy of the order in the office of the city secretary; and
 - (2) Publish in a newspaper of general circulation in the city in which the building is located a notice containing:
 - a. The street address or legal description of the property;
 - b. The date of the hearing;
 - c. A brief statement indicating the results of the order; and
 - d. Instructions stating where a complete copy of the order may be obtained.
- (b) The building official shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The city shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building. If a copy of the order is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the mailing is not affected, and the copy of the order shall be deemed to be delivered.

Sec. 8-390. Compliance with board order.

- (a) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (b) If the city incurs expenses under subsection (a) of this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk of Bell County. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. The lien is a privileged lien, subordinate only to tax liens.
- (c) This section does not limit the city's ability to collect on a bond or other financial guaranty that may have been required by section 8-388(h).

Sec. 8-391. City's authority to secure a dangerous structure.

- (a) The city may secure a building the building official determines:

- (1) Violates the minimum standards; and
 - (2) Is unoccupied or is occupied only by persons who do not have a right of possession to the building.
- (b) Before the 11th day after the date the building is secured, the building official shall give notice to the owner by:
- (1) Personally serving the owner with written notice;
 - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
 - (3) Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation if personal service cannot be obtained and the owner's post office address is unknown; or
 - (4) Posting the notice on or near the front door of the building if personal service cannot be obtained, and, the owner's post office address is unknown.
- (c) The notice must contain:
- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
 - (2) A description of the violation of the city standards that is present at the building;
 - (3) A statement that the city will secure or has secured, as the case may be, the building; and
 - (4) An explanation of the owners entitlement to request a hearing about any matter relating to the city's securing of the building.
- (d) The board shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within 30 days after the date the city secures the building, the owner files with the building official a written request for the hearing. The board shall conduct the hearing within 20 days after the date the request is filed.
- (e) If the city incurs expenses under this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which building was located, the amount of expenses incurred by the city, and the balance due.
- (f) After the hearing conducted in accordance with subsection (d) of this section, the board may:
- (1) Uphold the city's actions;

- (2) Order that the amount of the lien assessed under subsection (e) of this section be reduced or extinguished.
- (g) The authority granted by this section is in addition to any other remedy provided in this chapter or by state law.

Sec. 8-392. Additional authority regarding substandard building.

- (a) A board order issued pursuant to section 8-388 may require that after the expiration of the time allotted for repair, removal, or demolition of a building:
 - (1) That the city repair, remove or demolish the building or structure at the expense of the city and may place a lien on the land which the building stands or to which it is attached for the expenses of the repair; or
 - (2) Assess a civil penalty against the property owner for failure to repair, remove or demolish the building and may recover the penalty by placing a lien on the property.
- (b) The city may repair a building under subsection (a) of this section only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.
- (c) If the board orders the building or structure repaired or assesses a civil penalty against the owner under subsection (a) of this section, the city shall impose a lien against the land on which the structure stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair expenses or the civil penalty. Promptly after the imposition of the lien, the city must file for record, in recordable form in the office of the county clerk of Bell County, a written notice of the imposition of the lien. The notice must contain a legal description of the land.
- (d) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten (10) percent per year from the date of the assessment until paid in full.
- (e) The city's right to the assessment lien cannot be transferred to third parties.
- (f) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.
- (g) The board may assess by order, and the city may recover, a civil penalty against a property owner at the time of the board hearing on violations of this chapter in an amount not to exceed \$1,000.00 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10.00 a day for each violation, if the city proves:
 - (1) The property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements; and

- (2) After notification, the property owner committed acts in violation of the ordinance or failed to take an action necessary for compliance with the ordinance.
- (i) Notice of an action taken under subsection (a) of this section shall be the same notice provided for in section 8-389.
- (j) The authority granted by this section is in addition to any other remedy provided in this chapter or by state law.

Sec. 8-393. Diligent or best efforts by the city.

Under this chapter, the city is deemed to have made a diligent effort, used its best efforts, or made a reasonable effort to determine the identity and address of an owner, a lienholder, or mortgagee if it searches the following records:

- (a) County real property records of the county in which the building is located;
- (b) Appraisal district records of the appraisal district in which the building is located;
- (c) Records of the secretary of state;
- (d) Assumed name records of the county in which the building is located;
- (e) Tax records of the city; and
- (f) Utility records of the city.

Sec. 8-394. Responsibility for expense of repair, removal, demolition, etc.

- (a) Demolition, closure, removal, or repair of a structure may be accomplished by the owner in compliance with this section or by the city. The expense of demolition, closure, correction, removal, or repair, when performed under contract with the city or by city forces and filed in accordance with the law, constitutes a lien against the real property on which a structure stood and the lien runs and is attached to the land.
- (b) The city may use all other lawful means to collect costs from an owner.

Sec. 8-395. Timely vacation of structure.

- (a) Each occupant of a structure or dwelling unit that has been ordered vacated shall vacate the structure or dwelling unit within the time specified in the order. It is unlawful for any person to occupy a structure or dwelling unit that has been ordered vacated.
- (b) A person who is ordered to vacate a structure shall not be considered a displaced person and shall not be eligible for relocation assistance if:
 - (1) The person is ordered to vacate a structure as a consequence of his own intentional or negligent conduct; or
 - (2) The person began occupying the structure after the building official placed a red placard on the structure warning of its dangerous condition.

Sec. 8-396. Placing of placard on structure.

The building official may place a red placard on a structure or dwelling unit that is unsanitary or unsafe warning of its dangerous condition. A person commits an offense if:

- (a) Without authority from the building official, he removes or destroys a red placard placed by the building official;
- (b) He occupies a vacant structure or dwelling unit on which the building official has placed a red placard; or
- (c) As owner of a structure or dwelling unit, he allows a person to occupy or continue to occupy a structure or dwelling unit on which he is aware or should be aware that the building official has placed a red placard.

Sec. 8-397. Emergency cases.

- (a) In cases where it reasonably appears there is an immediate and imminent danger to the life or safety of any person unless a dangerous building as defined in this chapter is immediately vacated, repaired, closed, or demolished, the building official shall cause the immediate vacation, repair, closure, or demolition of such dangerous building or part thereof. The building official shall use the least intrusive means to abate the emergency.
- (b) The building official shall make reasonable attempts to notify the affected persons in accordance with section 8-388. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the manner as provided for by section 8-394.

Sec. 8-398. Disconnecting public utilities.

The building official may request that public utilities be disconnected in order that demolition may be accomplished without delay when an order for demolition has been issued or when an emergency situation exists.

Sec. 8-399. Violation, penalty.

Any violation of any provision of this chapter constitutes a misdemeanor and upon conviction thereof is subject to a fine in accordance with the provisions of section 1-8 of this Code of Ordinances. Each and every day a violation continues constitutes a separate offense.

Sec. 8-400. Civil penalty.

In addition to imposing a criminal penalty, the city may, in accordance with ~~section 1175(f) of Vernon's Civil Statutes~~ Chapter 54 of the Texas Local Government Code, bring a civil action against a person violating a provision of this Cchapter relating to dangerous buildings. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed one thousand dollars (\$1,000.00) for each day or portion of a day during which the violation is committed, continued, or permitted.

Sec. 8-401. Judicial review.

- (a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the board issued under section 8-388 may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by the owner, lienholder, or mortgagee within thirty (30) calendar days after the respective dates a copy of the final decision of the municipality is mailed to them by first class mail, certified return receipt requested, or such decision shall become final as to each of them upon the expiration of each such thirty-calendar day period.
- (b) On the filing of the petition, the court may issue a writ of certiorari directed to the city attorney to review the order of the board and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than ten (10) days, and served on the relator or the relator's attorney.
- (c) The city attorney may not be required to return the original papers acted on by it, but it is sufficient for the city attorney to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (e) The issuance of the writ does not stay proceedings on the decision appealed from.
- (f) Appeal in the district court shall be limited to a hearing under the substantial evidence rule. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.
- (g) Costs may not be allowed against the City of Killeen.
- (h) If the decision of the board is affirmed or not substantially reversed but only modified, the district court shall allow to the city all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners, lienholders, or mortgagees as well as all persons subject to the proceedings before the board.

Sec. 8-402. Seizure and sale of property to recover expenses.

The city may foreclose a lien on property under this article in a judicial proceeding, if:

- (a) a building or other structure on the property has been demolished;
- (b) a lien for the cost of demolition of the building or other structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and
- (c) ad valorem taxes are delinquent on all or part of the property.

Secs. 8-403—8-499. Reserved.

ARTICLE VI. RESERVED

Secs. 8-500—8-530. Reserved.

ARTICLE VII. DONATION CONTAINER REGULATIONS

Sec. 8-531. Short title.

The following regulations are hereby adopted and shall be known and may be cited as "City of Killeen Donation Container Regulations."

Sec. 8-532. Purpose.

The purpose of this article is to establish standards and regulations for new and existing donation containers within the city limits. In the event of a conflict, the more stringent regulations shall apply.

Sec. 8-533. Definitions.

Building shall mean any commercial building lawfully occupied by a business or charitable organization pursuant to a valid certificate of occupancy.

Donation container shall mean any box, structure, container, trailer or other receptacle, whether permanently or temporarily affixed or placed on real property, that is intended for use as a collection point for clothing, other household materials or other new and/or used personal property to be donated to a charitable organization; the term does not include recycle bins or any donation container located within a building.

Donation container operator shall mean an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, limited liability company, estate, trust, public or private organization that is not a state agency, business trust, public corporation, or any other legal or commercial entity that has obtained written permission from a property owner to locate or place a donation container on private property.

Property owner shall, for purposes of this article, mean the owner of real property upon which a permitted or unpermitted donation container is located or placed.

Recycle bin shall mean a receptacle used for the collection of recycle materials governed or regulated by the city's zoning code and/or building code.

Sec. 8-534. Permit required.

- (a) It shall be unlawful for a property owner or donation container operator to locate, maintain, or allow a donation container to be placed on property within the city without first obtaining a permit from the city.
- (b) A property owner wishing to locate a donation container on his or her property shall be responsible for obtaining a permit. To obtain a permit, a property owner must:

- (1) Provide a site plan indicating the location where the donation container will be placed and the dimensions of the container; and
- (2) Provide the name and phone number for the donation container operator.
- (c) Both the property owner and donation container operator shall acknowledge and affirm on the application their understanding of and willingness to comply with all requirements of this article.
- (d) An annual permit fee, as prescribed on the city's fee scheduled, shall be required for each donation box. All permits shall expire on December 31 of each year. Any permits issued prior to the effective date of the ordinance from which this section is derived shall expire on December 31, 2024, and a new permit shall be required in accordance with this section.
- (e) Permits issued pursuant to this section shall only be valid for the address and location stated on the permit application.
- (f) In the event that a permit of any permit holder is revoked as provided for by this article, no additional permit shall be issued to such person within one (1) year from the date the permit was revoked.

Sec. 8-535. Placement.

- (a) Donation containers shall not be located on any property within the Neighborhood Business District (NBD), University District (UD), Cemetery District (CD), or Historical Overlay District (HOD). Donation containers shall not be located within any residential zoning district except on the premises of allowed non-residential uses such as churches and schools.
- (b) No more than two (2) donation containers may be located on a single platted lot or unplatted tract of land.
- (c) When located on different tracts of land or lots, a donation container shall not be permitted closer than three hundred (300) feet from another permitted container.
- (d) A donation container shall not be located within ten (10) feet of the travelled portion of any street, road or highway or placed in a manner that blocks driveways or interferes with traffic flow or visibility.
- (e) A donation container shall not be located within any right-of-way or easement dedicated to and/or owned by any governmental entity.
- (f) A donation container shall not be located at any location the city determines:
 - (1) May pose a safety hazard to public;
 - (2) Constitutes an obstruction to traffic entering, existing or circulation within the property on which the donation container is located;
 - (3) Constitutes an obstruction to pedestrian traffic using any public sidewalk; or
 - (4) Constitutes an obstruction to the flow of surface water on the property such that surface water will be diverted to other properties or otherwise inhibits or prevents surface water from draining to an existing drainage facility.

- (g) The donation box may not block or occupy any parking spaces that are required to meet the minimum amount or parking spaces that are required by this Code for the primary use structure.
- (h) No donation box shall be placed within two hundred (200) feet from a residential dwelling use district. Said distance shall be measured from lot line to lot line.

Sec. 8-536. Construction.

- (a) Donation containers must:
 - (1) Be constructed of metal or fiberglass;
 - (2) Be labeled "no dumping" and include written notice that placement of bulky donations outside of the donation container is prohibited;
 - (3) Indicate the name, address and telephone number of the donation container operator responsible for collection;
 - (4) Be secured at all times, except when they are being emptied;
 - (5) Have a lid or a top to protect the contents from the weather; and
 - (6) Be no larger than one hundred fifty (150) cubic feet.

Sec. 8-537. Maintenance.

- (a) The donation box operator and property owner shall be jointly and severally liable and responsible for the maintenance and servicing of the donation box.
- (b) The area around the donation container shall be kept free of any junk, debris, or other materials, including large bulky donation items that do not fit inside the container. Donations of large bulky items that do not fit inside the donation container shall be prohibited.
- (c) Donation containers shall be emptied at least once every two (2) weeks, or more often if necessary to ensure that donations do not overflow. The property owner shall indicate on the permit application the days that the donation container is scheduled to be emptied.
- (d) Donation containers shall be maintained in good condition and appearance with no structural damage, holes, or visible rust. Containers shall be kept free of graffiti.
- (e) The donation box shall be used for the solicitation and collection of clothing and small household items that can fit within the donation box. Large items or items placed outside of a donation container shall be considered a public nuisance and may be removed by the city. The city shall give the property owner twenty-four (24) hours written notice to clear any junk, debris, bulky items, overflow donations, or other materials placed outside of the donation container. If the debris or materials are not cleared after the expiration of that time, the city may clear it and bill the property owner for the cost to abate any violation.

Sec. 8-538. Existing donation containers.

- (a) The owner or owners of real property on which a new or existing donation container is located shall be given written notice that they have thirty (30) days to obtain a permit. Written notice shall be mailed to the address of the property owner listed on the appraisal district records, and to the address on the donation container if available. Notice shall also be posted on the donation container itself. The property owner shall have thirty (30) days from the day a letter is mailed or posted on the container to obtain a permit.
- (b) If the property owner does not obtain a permit within thirty (30) days of receiving written notice, the city may remove the donation container(s) and bill the property owner for the cost to abate the violation.

Sec. 8-539. Failure to comply.

- (a) If, within thirty (30) days of receiving written notice of the requirement to obtain a permit, a property owner fails to do so, the city may remove the donation container and bill the property owner for the cost to abate the violation.
- (b) The city may revoke a permit for failure of the operator or property owner to comply with the requirements in this article. In such case, the donation container must be removed within seventy-two (72) hours of the permit revocation or appeal hearing, as applicable. If the property owner fails to remove the donation container within seventy-two (72) hours, the city may remove it and bill the property owner for the cost to abate the violation.
- (c) If the city removes a donation container, as provided above, it shall be released to the donation container operator or property owner only upon payment of all applicable charges and storage fees. Any donation container not claimed within fourteen (14) calendar days shall be considered abandoned property subject to disposal or sale at the city's sole discretion.

SECTION II. That Chapter 11 of the Code of Ordinances, City of Killeen, Texas, is hereby amended to read as follows:

CHAPTER 11 FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 11-1. Penalty.

Unless stated otherwise, violations of this chapter shall be punished as provided in section 1-8.

Sec. 11-2. Definition.

As used in this chapter the words or offices of the fire chief and fire marshal and their duly authorized representatives shall be deemed to be equivalent statements. Any duty to be performed by one may legally be performed by another.

Sec. 11-3. Arson reward.

- (a) Any person who shall hereafter supply information leading to the arrest and conviction of any person found guilty of committing the crime of arson within the city shall be offered a reward of one thousand dollars (\$1,000.00).
- (b) This offer shall be a standing offer of reward which shall be paid out of the general fund of the city.

Sec. 11-4. Use of fire hydrants.

It shall be unlawful for any person to use any fire hydrant in the city without first obtaining the consent of the utility collections manager of the city. Any time a fire hydrant is used in the city by any person other than the fire department of the city, the turning on and turning off of a fire hydrant shall be under the direct supervision of the director of utility services of the city or his/her designee.

Sec. 11-5. Fireworks—Prohibited use.

- (a) Except as hereinafter provide in section 11-6, it shall be unlawful for any person to possess, store, offer for sale, sell at retail, or use or explode any fireworks within the corporate limits of the city.
- (b) The fire chief shall seize, take, remove, or cause to be destroyed, at the expense of the owner, any fireworks offered or exposed for sale, stored, or held in violation of this section and section 11-6.
- (c) Any firefighter, police officer or other peace officer is empowered to detain any fireworks found being transported illegally or to close any building while any fireworks are found stored illegally until the fire department can be notified in order that such fireworks may be seized and destroyed.
- (d) The city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using fireworks within the jurisdiction of the city and to prevent any person from interfering or attempting to interfere with the seizure and destruction of such fireworks; provided, however, that it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.
- (e) In any instance where the fire chief or any of his duly authorized assistants have probable cause to believe that fireworks are being stored in a building, they shall promptly enter the building for the purposes of inspection. It shall be the duty of the owner, lessee or person otherwise in charge of such building or their agents or employees to open and permit entry into the building by persons charged with the enforcement of this chapter.

Sec. 11-6. Same—Permitted use.

- (a) The ~~city council~~ fire chief or his designee may permit the use of fireworks for public displays within the corporate limits of the city and within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet, unless such area is within the corporate limits of another municipality. Nothing in this section shall permit the use of common class C fireworks by members of the general public.
- (b) Applications for permits shall be made in writing to the ~~city manager~~ fire marshal at least twenty-one (21) days in advance of the date of the outdoor display. The ~~city manager~~ fire marshal shall forward the application to the fire chief, who shall cause a site investigation to be made to determine whether the proposed fireworks display is of a nature or in a location that may be hazardous to property or dangerous to any persons. The fire chief shall forward his or her recommendation of approval or disapproval, along with any reasonable conditions that he or she recommends should be placed on the permit by the city council. The application shall also be forwarded to the police chief, who shall also forward his or her recommendations to the city manager.
- (c) The application shall set forth the following:
 - (1) The name of the individual, group, or organization sponsoring the outdoor fireworks display, together with the names of persons actually in charge of the firing of the display;
 - (2) Evidence of financial responsibility in accordance with the requirements of V.T.C.A., Occupations Code § 2154.205, as may hereafter be amended and naming the city as an additional insured;
 - (3) The date and time of day at which the outdoor fireworks display is to be held and any alternate date;
 - (4) Confirmation of the State of Texas issued license of the operator and the number of assistants that will be present;
 - (5) Copies of the State of Texas issued public display permit if required;
 - (6) The approximate number and kinds of fireworks to be discharged;
 - (7) The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site; and
 - (8) A diagram of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, and the location of other possible overhead obstructions.
- (d) Upon authorization of the city council, and in addition to any conditions placed on the permit holder by the city council, the permit holder must comply with the following requirements:
 - (1) Comply with the provisions of NFPA 1123 and Title 37, Texas Administrative Code, chapter 591, and any amendments thereto; and

- (2) Immediately dispose of any fireworks that remain unfired after the display is concluded in a way safe for the particular type of fireworks remaining.
- (e) Any permit issued by the city council is not transferable and is valid for only one (1) outdoor display to be held during the hours authorized on the approved date, or alternate date.

Secs. 11-7—11-30. Reserved.

ARTICLE II. FIRE MARSHAL

Sec. 11-31. Office created.

The office of fire marshal is hereby created. Such office shall be independent of other departments within the fire department. The fire marshal shall report directly to the fire chief. The fire marshal shall be properly qualified for the duties of his office.

Sec. 11-32. General duties.

- (a) The fire marshal or other qualified designated representative shall investigate the cause, origin and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. The fire marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this article.
- (b) In addition to his other duties, the fire marshal shall be the head of the fire marshal's office and responsible for its accomplishment of all of the tasks delegated to it by the fire chief.

Sec. 11-33. Testimony of witnesses; evidence of crimes.

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing. If he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or the attempt to commit the crime of arson, or of conspiracy to defraud, or other criminal conduct, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Sec. 11-34. Power to summons witnesses.

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this article a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto.

Sec. 11-35. Refusal of witness.

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who disobeys, fails or refuses to produce any book, paper or document touching any matter under examination, after being summoned to give testimony in relation to any matter under investigation, shall be deemed guilty of a misdemeanor.

Sec. 11-36. Investigation may be private.

All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held. Witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Sec. 11-37. Right to enter premises.

The fire marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

Sec. 11-38. Investigations and orders.

The fire marshal, for good cause, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city. It shall be his duty to enter upon and make or cause to be entered and made, a thorough examination of a mercantile, manufacturing and public buildings, together with the premises belonging thereto. At the end of each month the fire marshal shall report to the state fire marshal a report on each fire in the city during the month.

Secs. 11-39—11-60. Reserved.***ARTICLE III. FIRE PREVENTION CODE*****Sec. 11-61. Adopted.**

There is hereby adopted by the city for the purpose of prescribing regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire and explosion within the city, that certain code known as the International Fire Code, [2021/2024](#) edition, together with Appendices B [Fire-Flow Requirements For Building], D [Fire Apparatus Access Roads], E [Hazard Categories], F [Hazard Ranking], G [Cryogenic Fluids - Weight and Volume Equivalents] thereto, save and except such portions as are hereinafter deleted, modified or amended. Such code shall be controlling within the limits of the city and shall become a part of this Code.

Sec. 11-62. Amendments.

The fire prevention code adopted by this article is hereby amended and changed in the following respects:

- (1) Section 202 of the International Fire Code, [2021-2024](#) Edition, is amended by adding the definition to read as follows:

"Standby personnel is qualified fire service personnel, approved by the fire chief. When utilized, the number required shall be as directed by the fire chief. Charges for utilization shall be as normally calculated by the jurisdiction."

- (2) Section 307.1 of the International Fire Code [2021-2024](#) Edition, is amended to read as follows:

"A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and in accordance with this section. Burning shall be commenced and completed between 7:00 a.m. and 6:00 p.m. The fire department shall be notified before the fire is kindled and when the fire is exhausted or extinguished."

- (3) Section 307.2 of the International Fire Code, [2021-2024](#) Edition, is amended to read as follows:

"307.2 Permit required. A permit shall be obtained from the code official in accordance with section 105.6 prior to kindling a fire for recognized land development or silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. A permit shall likewise be obtained prior to kindling a fire for land clearing, farming, or agricultural purposes, which shall be permitted only on tracts zoned and used A (agricultural) or A-R1 (agricultural single-family residential). Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled."

- (4) Section 307.4 of the International Fire Code, [2021-2024](#) Edition, is amended to read as follows:

"307.4 Location. The location for open burning shall not be less than 300 feet (91440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91440 mm) of any structure."

- (5) Section 503.1.1 of the International Fire Code, [2021-2024](#) Edition, is amended by deleting the exceptions.

- (6) Section 503.2.1 of the International Fire Code, [2021-2024](#) Edition, is amended to read as follows:

"503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6,096 mm), except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 14 feet 0 inches (4,752 mm)."

- (7) Section 503.2.3 of the International Fire Code, [2021-2024](#) Edition, is deleted in its entirety.

- (8) Section 507.5.1 of the International Fire Code, [20212024](#) Edition, is amended to read as follows:

"507.5.1 Where required. Fire hydrants and mains shall be provided where required by local ordinance."

- (9) Section 913 of the International Fire Code, [20212024](#) Edition, is amended to read as follows:

"913 Fire pump system supervision. The fire-pump system shall be supervised for 'loss of power,' 'phase reversal' and 'pump running' conditions by the supervisory signal on distinct circuits."

- (10) Section 5601.1.3 of the International Fire Code, [20212024](#) Edition, is amended to read as follows:

"5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as permitted in section 5604.
2. Manufacture, assembly and testing of fireworks as permitted in section 5605.
3. The use of fireworks for display as permitted by local ordinances."

- (11) Section 5608 of the International Fire Code, [20212024](#) Edition, is amended by deleting sections 5608.2 through 5608.10 and amending section 5608.1 to read as follows:

"5608.1 General. The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions shall comply with local ordinances and NFPA 1123 or NFPA 1126."

- (12) Section 903.2 of the International Fire Code 2024 Edition, is amended to read as follows:

An approved automatic fire sprinkler system shall be installed throughout all buildings or structures having a total area greater than 12,000 square feet (1,115 m²), regardless of occupancy classification, construction type, or separation by fire areas.

Exceptions:

1. Open parking structures in accordance with Section 406.5 of the International Building Code.
2. Detached Group U occupancies not used for human habitation.
3. Single-family and two-family dwellings constructed in accordance with the International Residential Code.

(13) Section 112 of the International Fire Code, 2024 Edition, is amended by amending Section 112.1 to read as follows and by deleting Sections 112.2 through 112.4:

“112.1: Board of Adjustment. The City of Killeen Board of Adjustment, as established in Section 31-66 of the Code of Ordinances, City of Killeen, shall hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code. Where board of adjustment and appeals appears in this code, it shall hereinafter read Board of Adjustment.”

Secs. 11-63—11-85. Reserved.

ARTICLE IV. LIQUEFIED PETROLEUM GAS

Sec. 11-86. Application of article.

This article shall apply to all storage and handling of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses.

Sec. 11-87. Regulations.

Any and all aspects or phases of the liquefied petroleum gas industry shall be governed by V.T.C.A., Natural Resources Code ch. 113 and the acts amendatory thereof and supplementary thereto, now or hereafter enacted and any and all rules promulgated thereunder by the Railroad Commission of Texas.

Secs. 11-88—11-110. Reserved.

ARTICLE V. FIRE HYDRANTS AND FIRE LANES

Sec. 11-111. Authority.

The location of fire hydrants and fire lanes shall be determined by the chief of the fire department or his designated representative, in conformity with the provisions of this article.

Sec. 11-112. Fire hydrants—Location.

- (a) *All residential zoned property and use.* As property is developed, fire hydrants shall be located at a maximum spacing of six hundred (600) feet as measured along the length of the roadway(s) and no part of the structure shall be farther than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose would be laid.
- (b) *All nonresidential zoned property or use.* As the property is developed, fire hydrants shall be located at a maximum spacing of three hundred (300) feet as measured along the length of the roadway(s) and no part of the structure shall be farther than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose is laid.

Sec. 11-113. Same—Restrictions.

- (a) All required fire hydrants shall be of the national standard three-way breakaway type no less than five and one-fourth (5-1/4) inches in size and shall conform to the provisions of the latest A.W.W.A. specifications C-502 and shall be placed upon water mains of no less than six (6) inches in size.
- (b) Valves shall be placed on all fire hydrant leads.
- (c) Required fire hydrants shall be installed so the breakaway point will be no less than three (3) inches, and no greater than five (5) inches above the grade surface.
- (d) A spacing of no less than six (6) inches shall be provided between the bottom of the barrel of the large steamer connection and the grade surface.
- (e) No fire hydrant located more than one thousand eight hundred (1,800) feet on a six-inch dead-end water main shall be considered as a required fire hydrant in the enforcement of this article.
- (f) No fire hydrant on a six-inch looped water main exceeding three thousand five hundred (3,500) feet in length shall be considered as a required fire hydrant in the enforcement of this article.
- (g) Except when it is determined by the fire chief that the required maximum hour demand plus the needed fire flow demand will be met, fire hydrants shall be installed on a separate water main when required on private property.
- (h) Fire hydrants when located on public property shall be located a minimum of two (2) feet and a maximum of six (6) feet behind the curb line.
- (i) All required fire hydrants placed on private property shall be adequately protected by either curb stops or concrete posts or other methods as approved by the fire chief, such stops or posts to be the responsibility of the landowner on which the fire hydrant is placed.
- (j) All required fire hydrants shall be installed so that the steamer connection will face the fire lane or street.
- (k) Fire hydrants, when placed at intersections or access drives to parking lots, when practical shall be placed so that no part of the fire truck will block the intersection or parking lot access when connections to the fire hydrant are made.
- (l) Fire hydrants required by this article located on private property shall be accessible to the fire department at all times.
- (m) The fire chief may, for cause, increase the distance of fire hydrants within ten (10) percent of the footage given in section 11-112.
- (n) All required fire hydrants shall be approved by the fire marshal and installed by the contractor prior to any construction above the structure's foundation. The building official may issue foundation permits prior to the installation and approval of all required fire hydrants.

Sec. 11-114. Fire lanes—Location.

No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one

hundred fifty (150) feet from a public street or highway unless the owner constructs and maintains a fire lane having a minimum width of twenty (20) feet and a minimum height throughout of no less than fourteen (14) feet and terminating within one hundred fifty (150) feet from the farthest point of such structure.

Sec. 11-115. Same—Restrictions.

- (a) Required fire lanes when not connected at both ends to a public street shall terminate in a turnaround having a minimum radius of fifty (50) feet or approved hammerheads as seen in the International Fire Code, ~~2021~~2024 Edition Appendix D figure D 103.1.
- (b) All required fire lanes shall be all-weather surfaced. For the purposes of this article, "all-weather surface" means asphalt or concrete.
- (c) Fire lanes shall be installed prior to the issuance of the certificate of occupancy.
- (d) All required fire lanes shall be approved by the fire marshal.
- (e) All required fire lanes shall not be used as loading zones.
- (f) There shall be no parking in any fire lane at any time.

Sec. 11-116. Maintenance.

- (a) All fire hydrants shall be inspected, flushed and painted at least once yearly and such inspection, flushing and painting shall be the responsibility of the public works department.
- (b) Any maintenance or repairs required to keep fire hydrants in proper working order, other than the once yearly inspection, flushing and painting done by the public works department, shall be the responsibility of the owner, or owners of the property on which the fire hydrant, or hydrants, are located.

Sec. 11-117. Posting of signs and markings.

- (a) All required fire lanes shall be conspicuously marked as follows:

Striping—All fire lanes shall be marked by painted lines of red traffic paint six (6) inches in width to show the boundaries of the fire lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at a maximum spacing of thirty (30) feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the stripping shall be on the vertical face of the curb.

Signs—When approved by the code official, signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be twelve inches (12") wide and eighteen inches (18") high. Signs shall be painted on a white background with letters and borders in red, using not less than two-inch (2") lettering. Signs shall be permanently affixed to a stationary post or structure's wall and the bottom of the sign shall be six feet six inches (6'6") above finished grade. Signs shall be spaced no less than thirty (30) feet and no greater than forty (40) feet apart.

- (b) Required fire hydrant markings shall be placed on both sides of a distance no less than fifteen (15) feet.
- (c) All required fire lane signs and fire hydrant markings shall be maintained in good condition and legible at all times, and shall be the responsibility of the owner, or owners, on whose property they are located.

Sec. 11-118. Abandonment of fire lanes.

No owner or person in charge of any premises served by a required fire lane shall abandon or close any such fire lane without first complying with the following procedure:

- (1) A request shall be made in writing by the owner to the fire chief stating his reasons for abandoning the fire lane.
- (2) Verification shall be obtained by the fire chief from the building official that such property is no longer subject to the requirements of this article.

Sec. 11-119. Required extensions.

The fire chief may require that an individual extend a six-inch or larger water main, and maintain a hydrant in the case of a structure that will be situated farther than the maximum distance from the hydrant as set forth in section 11-112, but in no case shall such extension be greater than three hundred (300) feet in length as measured along the length of the roadway.

Sec. 11-120. Applicability.

All construction within the city shall be undertaken in conformance with the provisions of this article and only after the approval of the authority.

Sec. 11-121. Violations and penalties.

- (a) Any violation of the provisions of any part of this article shall be punishable as provided in section 1-8.
- (b) Failure to remedy any violation of this article after notice of violation, and each subsequent notice of violation thereafter given prior to the remedy of the violation, shall constitute a separate violation of this article by the person responsible for the remedy of such violation.

Sec. 11-122. Variances.

- (a) *Jurisdiction.* The board of adjustment, ~~s and appeals~~ as established in ~~the fire prevention code~~ Section 31-66 of this Code, adopted in this chapter may vary the application of any provision of this article, except section 11-115(b) and section 11-121, to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion, the interpretation of the fire marshal should be modified or reversed.
- (b) *Notice of appeal.* Notice of appeal shall be in writing and filed with the fire marshal within thirty (30) days after the decision is rendered by the fire marshal.

- (c) *Action*. The board of adjustments~~s and appeals~~ shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board of adjustments~~s and appeals~~ shall also include the reasons for the decision. If a decision of the board of adjustments~~s and appeals~~ reverses or modifies a refusal, order, or disallowance of the fire marshal, or varies the application of any provision of this article, the fire marshal shall immediately take action in accordance with such decision.
- (d) *Decisions are final*. Every decision of the board of adjustments~~s and appeals~~ shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

Secs. 11-123—11-132. Reserved.

ARTICLE VI. FIREMEN'S RELIEF AND RETIREMENT FUND BOARD

Sec. 11-133. Created.

- (a) There is hereby created and recognized as an official board of the city that certain body previously established under the laws of Texas as the board of directors of the city of Killeen firemen's relief and retirement fund.
- (b) The board of directors shall be established in accordance with Article 6243e of the Texas Revised Civil Statutes, commonly referred to as the Texas Local Fire Fighters Retirement Act, as that article provides at the time this section is enacted, and as said article from time to time thereafter may be revised or amended. The members of such board shall be of the number, and possess the qualifications required by state law.
- (c) The persons serving as trustees of such board as of July 9, 1991, shall continue in office and thereafter be replaced, as necessary, as provided for by state law.

Secs. 11-134—11-139. Reserved.

ARTICLE VII. FALSE FIRE ALARMS

Sec. 11-140. Definitions.

For the purposes of this section the following definitions shall apply:

Alarm site means a single premises or location (one street address) served by a fire alarm system or systems that are under the control of one owner.

Fire alarm system(s) means any equipment, device or devices arranged to signal the presence of fire, smoke, heat or other hazards requiring urgent attention and to which the fire department is expected to respond.

Fire alarm system user means the owner, agent or person in control of the property on which a fire alarm system or systems is maintained within the corporate limits of the city.

Automatic dialing device means a fire alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice

message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

False alarm means any fire alarm, which was discharged falsely, accidentally, through mechanical failure, malfunction, improper installation, lack of maintenance, or by negligence of the owner or lessee of the alarm system or of his and/or her employees or agents. False alarms shall not include:

1. Alarms that occur during electrical storms, tornadoes, hurricanes, ice storms, earthquakes, other natural disaster or Acts of God.
2. Disruption of the telephone circuits beyond the control of the alarm company and/or the alarm user.
3. Electrical power disruption or any failure not caused by the user.
4. Alarms which occur as a result of an actual fire or emergency condition.
5. Alarms designed to alert only the inhabitants of a premise.

Fire department response means the dispatching of a fire unit to investigate a fire alarm.

Health care occupancies are those occupancies used for the purposes of treatment or care of persons suffering from physical or mental illness, disease or infirmity; or the care of infants, convalescents or aged persons. Health care occupancies provide sleeping facilities for the occupants and are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupant's control.

Non-residential occupancies are those occupancies used for or engaged in commerce, business, or manufacturing.

Permit means a certificate of authorization issued by the fire marshal's office to the owner, agent, or person in control of the property, which authorizes the operation of a fire alarm system or systems at an alarm site.

Permit holder means any individual, corporation, partnership or other legal entity to which an alarm system permit is issued.

Person means any individual, corporation, partnership or other legal entity.

Residential occupancies are those private occupancies that provide living accommodations for persons not under medical care.

Sec. 11-141. Applicability.

The provisions of this article apply to all fire alarm systems installed within the corporate limits of the city of Killeen, except for those fire alarm systems installed upon the premises occupied by the United States Government, the state of Texas, the city of Killeen, or any county government.

Sec. 11-142. Permit application issuance.

- (a) It shall be unlawful for any person to operate, cause to be operated, or permit the operation of a fire alarm system or systems at an alarm site unless a valid permit has been issued by the fire marshal's office for such system. Alarm sites in existence before the effective date of this article must be permitted within one hundred eighty (180) days of the effective date of this article. A fire alarm system user shall be in violation of this article if he permits the operation of such system without a proper permit.
- (b) A fire alarm system user or his agent shall obtain a permit for each alarm site.
- (c) Application for a permit for the operation of a fire alarm system or systems at an alarm site shall be made with the fire marshal's office by the owner, agent, or person having control over the property on which the fire alarm system is to be installed and operated. Application shall be made in writing on a form designated by the city. On such application form, the applicant shall set forth:
 - (1) The name, address, and telephone number of the owner, agent, or person in control of the property to be protected;
 - (2) The street address of the property on which the alarm system is to be installed and operated;
 - (3) A brief description of the type of property to be protected (i.e. commercial, residential, or industrial, etc.);
 - (4) Any business name or title used for the premises on which the alarm system is to be installed and operated;
 - (5) Name, address, and telephone number of the alarm company or person who will install and service the alarm system;
 - (6) Names and telephone numbers of two or more persons who are able to and have agreed to receive notification at any time from the fire department in order to deactivate the alarm system if it becomes necessary;
 - (7) Any other pertinent information required by the fire department or the fire marshal's office, which is necessary for the enforcement of this article.
- (d) The fire marshal's office shall issue a permit to the individual, corporation or other legal entity in control of the property to be protected upon submission in person or by mail of a completed application and payment of the appropriate fee, unless any statement made in the application is incomplete or false.
- (e) The fire marshal's office shall treat all information on the application as confidential within the limits of state law.
- (f) Any permit issued pursuant to this article shall be applicable only to the permit holder and is not transferable.
- (g) Each permit issued to a fire alarm system user shall be valid for the duration of the permit unless one of the following occurs earlier:
 - (1) Control of protected property is transferred from the permit holder;

- (2) Permit holder voluntarily discontinues services provided by a particular alarm protective service, and/or disconnects an alarm system not required by the fire code;
- (3) Revocation of the permit by the fire marshal's office pursuant to this article.

Sec. 11-143. Permit fee.

The fee for a permit issued pursuant to this article shall be as provided in the adopted fee schedule.

Sec. 11-144. Service fee for fire department responses to excessive false alarms.

- (a) The user of any fire alarm system, which upon activation elicits a fire department response from the fire department, shall be subject to the following answering fee schedule for each false alarm in the calendar year.
- (b) The fire marshal's office shall impose a service fee for each fire department response to any false alarm. The owner of the property shall be subject to the fee schedule below. The fee schedule for each premises shall be as follows in each calendar year:
 - (1) First and second false alarms: no charge.
 - (2) Third and fourth false alarms: \$100.00 each.
 - (3) Fifth through tenth false alarms: \$200.00 each.
 - (4) Eleventh and subsequent false alarms: \$500.00 each.
- (c) The service fee shall be imposed whether the fire department received the alarm by direct connection or through an intermediary, such as an answering service or modified central station.
- (d) If the fire marshal's office is notified in writing prior to the day of installation of a new alarm system, the fee imposed by this section shall be waived for a thirty (30) day period beginning with the date of the installation.
- (e) All service fees authorized in this article shall be billed and collected by the finance department, according to its procedures.

Sec. 11-145. Duty to respond.

It shall be a violation of this article if a fire alarm system user cannot be contacted or refuses to respond to the alarm site within one-half hour after receiving a request by fire department or the fire marshal's office, unless there is a bona fide emergency preventing response as determined by the fire marshal's office. Fire alarm system user may be subject to a fine for failure to respond under the penalty section of this ordinance in addition to any applicable service fee.

Sec. 11-146. Revocation of permits.

- (a) The fire marshal may revoke a fire alarm system permit if he determines that:
 - (1) There is a false statement of a material matter on the application for a permit;

- (2) The permit holder has violated this article or any of its provisions;
- (3) The permit holder has failed to make timely payment of a service fee.
- (b) It shall be unlawful for any person to operate an alarm system during the period in which his alarm permit is revoked.

Sec. 11-147. Appeal of service fee; denial or revocation of a permit.

- (a) Any permit holder aggrieved by the decision to assess a service fee by the fire marshal as provided for in section 11-144 may appeal the decision to the ~~fire appeals board~~board of adjustment. The permit holder may appeal by filing with the fire marshal a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after the fire marshal or his designated representative renders the decision.
- (b) If the fire marshal refuses to issue or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the fire marshal to the ~~fire appeals~~-board by filing with the fire marshal a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the fire marshal.
- (c) The filing of a request for an appeal hearing with the board stays an action of the fire marshal in assessing a service fee, refusing to issue a permit or in revoking a permit until the board makes a final decision. If a request for an appeal hearing is not made within the ten (10) day period, the action of the fire marshal is final.
- (d) If revoked, the revoked permit holder may reapply when conditions which caused the action have been corrected and if the fire marshal's office determines that the alarm system is likely to be maintained and operated in a responsible manner in accordance with the provisions of this article.

Sec. 11-148. Defense of prosecution.

It shall be an affirmative defense to prosecution under this article that:

- (1) The activation of the fire alarm system was a result of an actual fire or emergency.
- (2) The alarm system was sounded solely for the purpose of testing the alarm and the person who tested the alarm took reasonable precautions to avoid any request being made to the fire department to respond to such alarm. This section shall not apply to conduct which is in violation of section 42.06 of the Penal Code of the state of Texas.

Sec. 11-149. Penalty for violation of section.

Any violation of any provision of this article shall be deemed a Class C Misdemeanor and any person convicted of any such violation shall be fined not less than seventy-five dollars (\$75.00) nor more than two thousand dollars (\$2,000.00). Each day and every day that such violation shall continue shall be a separate offense.

Sec. 11-150. Reserved.

ARTICLE VIII. FIRE SERVICE FEE RECOVERY

Sec. 11-151. Definitions.

Emergency incident means a situation that requires the response of the fire department.

Fire service fees means charges imposed for services provided during an emergency incident that requires a fire department response.

Person means a natural person, corporation, partnership or other entity with legal capacity.

Response means an arrival at the scene of an emergency incident by fire department vehicles to provide fire services.

Sec. 11-152. Fee Recovery.

The fire department shall have the authority to bill a person, including an insurance company that provides insurance coverage to a person, for the reasonable costs related to the use, loss, damage, and wear and tear to fire department apparatus, tools equipment, and materials necessary to provide fire services and 911 response to a person involved in an emergency incident, subject to the conditions and limitations of this article.

Sec. 11-153. Billing.

- (a) The fire department shall bill for such fire response services by and through its EMS billing department. The fire department shall use incident report information as the basis for the charge and recovery of fire service fees for each incident.
- (b) The EMS billing department shall submit an invoice for the fire services provided to the person or relevant insurance company of a person determined to be at fault by the fire or police department in an emergency incident. If it can be reasonably determined that there is insurance coverage for a particular emergency incident, the EMS billing department shall attempt to recover any such fees from the insurance company before seeking payment from the person. The billing department shall also be authorized to act as an agent and bill for, at the approved rate, any authorized responding mutual aid fire department upon the request of an authorized Incident Command Officer of the fire department to provide for reimbursement of services and reimbursable consumable products provided in the service to the fire department.

Sec. 11-154. Schedule of Fire Service Fees.

Fire service fees will be charged in accordance with the adopted fee schedule.

SECTION III. 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 IV. 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 V. That this ordinance shall take effect on January 1, 2026.

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