

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 26 REQUIRING FINAL PLAT APPROVAL BY THE CITY COUNCIL; AMENDING VARIOUS SECTIONS OF CHAPTER 26 AS A HOUSEKEEPING MATTER TO ENSURE CONSISTENCY WITH NEW PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND 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 Local Government Code; and,

WHEREAS, the City of Killeen has declared the application and enforcement of the City's subdivision regulations to be necessary for the promotion of the orderly development of the city, public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council finds that revisions to the City's subdivision and development regulations are necessary to eliminate additional time in the plat approval process; and,

WHEREAS, the City Council finds that requiring that plats be approved by the City Council is in the best interest of the City and is further permitted by the Local Government Code, Chapter 212 et seq.; and,

WHEREAS, the City Council has determined that it is also necessary to make various other revisions to Chapter 26 of the City of Killeen's adopted Code of Ordinances as a housekeeping matter to ensure consistency of terms and processes in respect to the substantive changes of this ordinance.

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

SECTION I. That Chapter 26 is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 26-2. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Accessory structure or building shall mean a subordinate structure or building customarily incident to and located on the same lot occupied by the main structure or building.

Applicant shall mean the owner(s) of the property to be developed.

Bond shall mean any form of security, including a cash deposit, surety bond, or instrument of credit in an amount and form approved by the city.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind.

City standards shall mean those standards and specifications, together with all tables, charts, graphs, drawings and other attachments hereinafter approved and adopted by the city council, which may be amended from time to time, and are administered by the city staff for the construction and installation of streets, sidewalks, drainage facilities, water and sanitary sewer mains and any other public facilities. All such facilities which are to become the property of the city upon completion must be constructed in conformance with these standards.

Commission shall mean the duly organized body appointed by the city council as the planning and zoning commission.

Construction plans shall mean the maps, drawings and technical specifications, including bid documents and contract conditions, where applicable, which provide a graphic and written description of the character and scope of the work to be performed prepared for approval by the city for construction.

Developer shall mean any person, corporation, governmental or other legal entity engaged in the development of property by improving a tract or parcel of land for any use. The term "developer" is intended to include the term "subdivider."

Development shall mean the construction of one (1) or more new buildings or structures, or the structural alteration, relocation or enlargement of one (1) or more new buildings or structures of an existing building or structure on one (1) or more building lots or sites, or the installation of site improvements.

Development review committee shall mean a committee consisting of members of the plat review committee, the local utility companies, and the plat applicant and/or his or her designated agent.

Drainage design manual shall mean the City of Killeen's adopted Drainage Design Manual, as amended, providing definitions, formulae, criteria, procedures, data, parameters, and methodology governing the planning, design, construction, and maintenance of drainage infrastructure within the city's jurisdiction.

Easement shall mean a grant by a property owner to the public, a corporation, or persons for a general or specific use of a defined strip or parcel of land, for such purpose as the installation,

construction, maintenance and/or repair of utility lines, drainage ditches or channels, or other public services, the ownership or title to the land encompassed by the easement being retained by the owner of the property.

Engineer shall mean any person duly authorized under the Texas Engineering Practice Act (V.A.C.S. art. 3271a), as amended, to practice the profession of engineering.

Engineering plans shall mean the maps and drawings required for plat approval.

Extraterritorial jurisdiction shall mean that unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in V.T.C.A., Local Government Code, section 42.001 et seq.

Infrastructure Design and Development Standards Manual (IDDSM) shall mean the city of Killeen's adopted infrastructure design and development standards manual, as amended, providing definitions, formulae, criteria, specifications, details, procedures, data, parameters and methodology governing the planning, design, construction, and maintenance of water, sewer, drainage, street and associated infrastructure and, further detailing pollution control measures within the city's jurisdiction.

Land disturbing activity shall mean any activity including, without limitation, the clearing, grading, filling, grubbing, scraping, dredging, mining, paving, excavating, drilling or movement of land, or the construction of any building or structure, the stockpiling of soil or materials, the baring of soil or rock, the diversion or piping of any natural or man-made watercourse, or any other activity that will or may result in soil erosion from water or wind, the movement of solid materials into waters or onto adjacent lands, or that changes the volume or peak flow discharge rate of storm water runoff from the land surface.

Lacustrine shall mean pertaining to, formed in, growing in, or inhabiting lakes.

Lot shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms "lot" and "tract" shall be used interchangeably.

Master plan shall mean the comprehensive plan of the city adopted by the city council.

Notice of Intent (NOI) - see Texas Commission on Environmental Quality General Permit TXR150000, as amended.

Off-site shall mean any premises not located within the property to be developed, regardless of ownership.

Owner shall mean any persons, firm or corporation having legal title to the property.

Plat shall mean a map representing a tract of land showing the boundaries of individual properties and streets or a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainageways, easements, alleys, which an applicant submits for approval and a copy of which he intends to record with the county clerk of Bell County.

Plat, final, shall mean the map or plan of a proposed development submitted for approval by the planning and zoning commission and city council, where required, prepared in accordance with the provisions of this chapter and requested to be filed with the county clerk of Bell County.

Plat, preliminary, shall mean the initial map or plan of a proposed development showing the general layout of streets, blocks and lots, utility systems, and drainage systems.

Plat review committee shall mean a committee consisting of city staff members which shall review all plats submitted to the city for consideration for compliance with the city's standards, policies, resolutions, codes and ordinances.

Right-of-way shall mean a strip of land acquired by dedication, prescription or condemnation and intended to be occupied by a road, sidewalk, railroad, electric transmission facility, oil or gas pipeline, water mains, sewer mains, storm drainage or other similar facility. Rights-of-way intended for streets, sidewalks, water mains, sewer mains, storm drainage, or any other use involving maintenance by a public agency shall be dedicated to the public use by the plat applicant either by easement or in fee simple title.

Storm Water Pollution Prevention Plan (SWPPP) - see Texas Commission on Environmental Quality General Permit TXR150000, as amended.

Streets and alleys shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, alley, place or however otherwise designated. City streets shall conform to the following classifications:

- (1) Arterial streets and highways are those which are used primarily for higher speed and higher volume traffic. Routes for such streets shall provide for cross-town circulation and through-town movements.
- (2) Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance, circulation streets of a residential development and streets for circulations within such a development of a residential subdivision.
- (3) Minor streets are those which are used primarily for access to abutting properties.
- (4) Marginal access streets are minor streets located parallel to and adjacent to arterial streets and highways, providing access to abutting properties and protection from the traffic of the thoroughfares.
- (5) Alleys are minor ways used primarily for access to abutting properties for vehicle service usually to the back or side of a property.

Structural alterations shall mean the installation or assembly of any new structural components, or any change to existing structural components, in a system, building or structure.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and ground signs, but exclusive of customary fences or boundary or retaining walls.

Subdivision shall mean dividing a tract in two (2) or more parts for the purpose of creating lots, including an addition to the city, to lay out suburban, building or other lots or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use

or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts. "Subdivision" refers to any division irrespective of whether the actual division is made by metes and bounds description in a deed of conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A subdivision does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 05-127, § II, 12-20-05; Ord. No. 07-045, § II, 5-22-07; Ord. No. 07-069, § I, 8-14-07; Ord. No. 11-107, § II, 11-8-11; Ord. No. 12-042, § II, 7-24-12; Ord. No. 12-046, § III, 8-7-12)

Sec. 26-11. - Approval of development plat.

- (a) Development plats shall be submitted to the planning and zoning commission and the city council in accordance with procedures established by this chapter.
- (b) The development plat shall be approved if the plat conforms to:
 - (1) The general plans, rules, and ordinances of the municipality concerning its current and further streets, sidewalks, alleys, parks, playgrounds, and public utility facilities.
 - (2) The general plans, rules, and ordinances for the extension of the municipality or the extension, improvement, or widening of its roads, streets, and public highways within the municipality taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
 - (3) Any general plans, rules, or ordinances adopted under this chapter.

(Ord. No. 04-59, § I, 7-27-04; Ord. No. 10-061, § I, 10-12-10; Ord. No. 14-009, § a, 02-11-14)

Sec. 26-22. - Schedule.

The planning and zoning commission, at its first regular meeting in December of each year, shall adopt a schedule for the next calendar year establishing dates for filing plat applications and meetings of the plat review committee and development review committee based upon the established schedule of regular meetings of the planning and zoning commission and city council.

(Ord. No. 95-38, § I, 4-25-95)

Sec. 26-23. - Process for approval.

- (a) The planning and development services department shall convene a meeting of the plat review committee for review of the plat. The plat review committee shall assure conformance with the city's standards, policies, resolutions, codes, and ordinances.

- (b) The plat review committee shall document its comments in writing and forward their report to the plat applicant and/or his or her designated agent for corrective action. The applicant shall assure that there is no outstanding debt owed the city required by this chapter on a previous plat(s) submitted by the applicant. Failure to pay the debt prior to the plat's submission to the planning and zoning commission and/or city council shall result in the planning and zoning commission's and city council's disapproval of the plat.
- (c) A meeting of the development review committee, consisting of members of the plat review committee and the local utility companies, shall be convened to discuss requirements to meet their needs. The plat applicant and/or his or her designated agent shall be required to attend as part of the application process. Failure to attend shall result in the plat being rescheduled for the next development review committee meeting. The development review committee shall document its comments in writing and forward its report to the plat applicant and/or his or her designated agent for corrective action.
- (d) When the applicant has completed all corrective actions, the plat will be forwarded to the planning and development services department for continued processing. Plats submitted on or before the scheduled plat correction submission date, will be forwarded to the staff plat correction validation meeting. When plat corrections are validated, the plat application process shall be considered complete. The date of the staff plat correction validation meeting in which the plat corrections are validated, shall be designated to be the date the plat is filed with the city of Killeen. Those plats not eligible for administrative approval under the provisions of subsections 26-61 and 26-74 that are validated in the staff plat correction validation meeting will be scheduled for the next regular meeting of the planning and zoning commission. If the plat applicants do not agree with a requested correction comment, they may state their objection in writing, and the plat will be considered filed and passed to the planning and zoning commission for action.
- (e) Within thirty (30) days of the date that a plat application is deemed filed, those plats meeting the requirements of sections 26-61 and 26-74 of this chapter shall be approved by the executive director of planning and development services or the city planner. In those instances where the plat applicants do not agree with a requested correction comment, they may state their objection in writing, and the executive director of planning and development services or the city planner shall not disapprove the plat, but shall be required to forward the plat to the planning and zoning commission for action.
- (f) If the plat is disapproved by either the planning and zoning commission or the city council, the applicant may correct the items of concern and resubmit the plat for approval one (1) time within six (6) months without paying any additional fees. If the plat is disapproved a second time or if a second request is not received within six (6) months of the first disapproval, the applicant will be required to repeat the plat application process from the beginning and pay all standard application fees.
- (g) An applicant may withdraw his plat application from consideration at any time during the application process by filing a written notice of withdrawal with the planning and development services department. Upon filing the notice to withdraw, the planning and development services department shall discontinue processing the plat application. The applicant must file a written request to proceed with further consideration of the plat within six (6) months of withdrawal and the planning and development services department shall

continue the application process. If the request to proceed with further consideration of the plat is filed more than six (6) months after filing the notice of withdrawal, the applicant shall be required to repeat the plat application process from the beginning and pay the standard application fees.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 04-59, § II, 7-27-04; Ord. No. 10-061, § I, 10-12-10; Ord. No. 14-009, § b, f, 02-11-14)

State Law reference— Plat approval, V.T.C.A., Local Government Code § 212.005 et seq.

Sec. 26-25. - Requirements for approval of application by city council.

(a) Within thirty (30) days of the date that the plat is approved by the planning and zoning commission or is deemed approved by the inaction of the planning and zoning commission, the city council shall approve the plat if it complies with the requirements of this chapter, the applicant is not in arrears in the payment of any debts owed the city required by this chapter on a previous plat, it conforms to the general plan of the city and its current and future streets, alleys, parks, playgrounds, and public utility facilities plans, and it conforms to the city's general plan for the extension of roads, streets, and public highways, taking into account access to and extension of sewer and water mains and instrumentalities of public utilities.

(b) A plat is considered approved by the city council unless it is disapproved within such thirty-day period.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 10-061, § I, 10-12-10; Ord. No. 14-009, struck completely, 02-11-14)

Sec. 26-26. - Recordation.

- (a) Preliminary plats are not recorded with the county clerk.
- (b) All plats pertaining to platted property located in the extraterritorial jurisdiction of the city shall only be recorded after approval by the ~~planning and zoning commission~~city council, or the executive director of planning and development services, as applicable, and the commissioners' court of the county and the applicant's submission of the required recording fee.
- (c) All plats meeting the criteria of sections 26-61 and 26-74 of this chapter shall be recorded with the county clerk upon the executive director of planning and development services' or city planner's approval of the plat and the applicant's submission of the required recording fee.
- (d) All other plats shall be recorded with the county clerk upon the ~~planning and zoning commission~~city council's approval of the plat and the applicant's submission of the required recording fee.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 10-061, § I, 10-12-10; Ord. No. 14-009, § b, d, 02-11-14)

Sec. 26-29. - Avigation notations.

The planning and zoning commission and the city council shall require the execution of an avigation notation as a condition precedent to plat approval relating to any property or structure located within areas designated as being within the runway protection zone on the latest FAA (Federal Aviation Administration) approved airport layout plan for any airport within the city of Killeen, or any municipal or military airport adjacent to the city of Killeen which have runway protection zones that extend over any part of the city. An avigation release shall be included on the dedication page of any plat located within this area and shall have the following effect:

- (a) Grant for the use and benefit of the public for continuing easement and right-of-flight for the passage of aircraft in the airspace above the surface of the land over which the easement is obtained, together with the right to cause, in said airspace, such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the airspace using said airspace for landing at, taking off from or operation on any municipal or military airport; and
- (b) Will limit the height of any structure, tree or item of equipment to no more than the approach surface height for that location as specified in 14 CFR Part 77.25(d) (civil airport) or 14 CFR Part 77.28(a)(3) (military airport) as applicable.
- (c) In addition to the height restrictions, an appropriate annotation will be made on plats of any land that lie within a 65 Ldn or greater noise contour as identified by the latest FAA approved airport master plan, utilizing the worst case noise contour map of either current or future contours for the applicable airport. In addition, the following avigation release format will be used:

AVIGATION RELEASE

STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

WHEREAS, (Owner's Name) _____, hereinafter called **OWNER** (whether one or more), is the owner of a certain parcel of land situated in the City of Killeen, Bell County, Texas, being more particularly described as (Subdivision Name), an addition to the City of Killeen, Bell County, Texas.

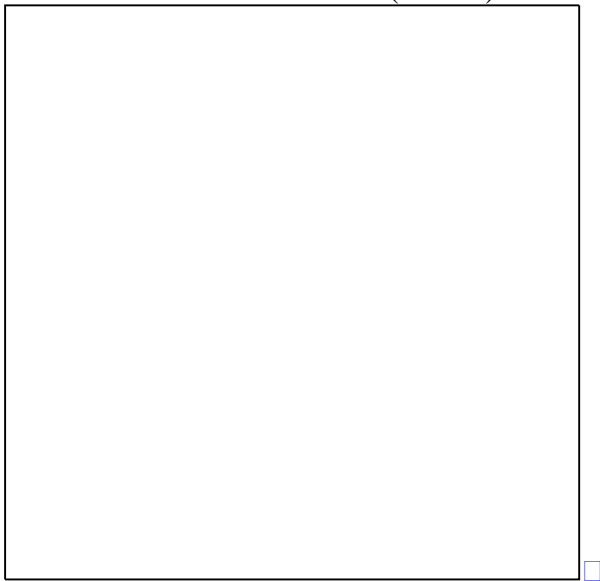
OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Killeen, Texas a municipal corporation, hereinafter called **CITY**, from any and all claims for damages of any kind that **OWNER** may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purpose of this designed for navigation of or flight in the air) by whomsoever owned and operated, in the air space above **OWNER'S** property. Such release shall include, but not be limited to, any damages to **OWNER'S** described property, such as noise, vibration, fumes, dust, fuel, and lubricant particles,

and all other effects that may be caused by the operation of aircraft landing at or taking off from, or operating at any municipal or military airport within or adjacent to the CITY, whether such claim be for injury or death to person or persons or damages to or taking of property; and OWNER does hereby fully remiss, and release any right or cause of action which it may now have or which it may in the future have against the CITY, whether such claims be for injury to person or damage to property due to noise, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engine at or on said airports.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with in (subdivision name) , an addition to the City of Killeen, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed records of Bell County, Texas.

Executed this _____ day of _____, A.D., ____.

(Owner)



(Ord. No. 95-38, § I, 4-25-95; Ord. No. 04-59, § III, 7-27-04; Ord. No. 14-009, 02-11-14)

Sec. 26-61. - Conditions for approval.

- (a) The executive director of planning and development services or the city planner is hereby authorized to approve a minor plat, without subsequent approval by the planning and zoning commission or when the property proposed to be platted or replatted is as follows:
 - (1) Four (4) or fewer lots fronting on an existing street;

- (2) Street construction or the extension of municipal facilities is not required; and
- (3) An agreement between the city and the plat applicant is not required.
- (b) All other requirements of this chapter shall apply, except that subsequent approval by the planning and zoning commission or city council shall not be required prior to recording the minor plat with the county clerk.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 10-061, § I, 10-12-10; Ord. No. 14-009, § b, 02-11-14)

Sec. 26-71. - Vacation of plats.

- (a) Any plat, replat or amended plat previously recorded with the county clerk may be vacated by the property owner(s) at any time prior to the sale of any lot therein by filing a written signed and acknowledged instrument declaring the same to be vacated and recorded with the county clerk.
- (b) If one (1) or more lots have been sold, the plat, replat or amended plat may be vacated by the property owners by filing a written signed and acknowledged instrument with the planning and development services department. The vacating instrument ~~for an original plat, replat or amended plat~~ must be approved by the ~~planning and zoning commission~~ city council or executive director of planning and development services in the same manner as the original plat, replat or amended plat. The planning and zoning commission shall disapprove the vacating instrument which abridges or destroys public rights in any of its public uses, improvements, streets, or alleys. Upon approval by the city council or executive director of planning and development services as required ~~planning and zoning commission~~, the vacating instrument may be recorded with the county clerk and the vacated plat, replat or amended plat shall have no effect.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 10-061, § I, 10-12-10; Ord. No. 14-009, § b, 02-11-14)

State Law reference— Vacating plats, V.T.C.A., Local Government Code § 212.013.

Sec. 26-73. - Additional requirements for certain replats.

- (a) In addition to compliance with section 26-72, a replat without vacation of the preceding plat must conform to the requirements of this section if:
 - (1) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

- (b) Notice of the public hearing required under section 26-72 shall be given before the fifteenth day before the date of the public hearing by publication in the newspaper and by written notice, with a copy of section 26-73(c) attached, to the owners of any lots that are in the original subdivision and that are within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved tax rolls.
- (c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present at the meeting of the planning and zoning commission and/or city council. For a legal protest, written instruments signed by at least twenty (20) percent of the owners of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the planning and zoning commission and/or city council prior to the close of the public hearing.
- (d) In computing the percentage of land area under subsection (c), the area of streets and alleys shall be included.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 14-009, § c, 02-11-14)

Sec. 26-74. - Plat amendments or corrections.

- (a) The executive director of planning and development services or the city planner may approve and issue an amended plat, which may be recorded with the county clerk and controls over the preceding plat without vacation of the plat, if the amended plat is signed by the applicant(s) and is solely for one (1) or more of the following purposes:
 - (1) To correct an error in a course or distance shown on the preceding plat;
 - (2) To add a course or distance that was omitted on the preceding plat;
 - (3) To correct an error in the description of the real property shown on the preceding plat;
 - (4) To indicate monuments set forth after death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the proper location or character of any monument which has been changed in location or character or which originally was shown incorrectly as to location or character on the preceding plat;
 - (6) To correct any other type of scrivener's or clerical error or omission previously approved by the planning and zoning commission and/or city council, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 - (8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;

- (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner(s) of all such lots join in the application for the plat amendment; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not increase the number of lots; or
 - (10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the plat if the changes do not affect applicable zoning and other regulations of the city, and the changes do not attempt to amend or remove any covenants or restrictions and the area covered by the changes is located in an area that the planning and zoning commission and/or the city council has approved, after a public hearing, as a residential improvement area.
 - (11) To replat one or more lots fronting on an existing street if the owners of all those lots join in the application for the amendment; the amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots; and, the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amended plat.
 - (c) All other requirements of this chapter shall apply, except that subsequent approval by the planning and zoning commission or city council shall not be required prior to recording the amended plat with the county clerk.

(Ord. No. 95-38, § I, 4-25-95; Ord. No. 96-43, § I, 5-14-96; Ord. No. 10-061, § I, 10-12-10; Ord. No. 14-009, § a, c, 02-11-14)

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

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

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective 30 days after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 9th day of May, 2017, 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

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Dianna Barker, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY