

**AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; ADOPTING SECTION 681.008(b) OF THE TRANSPORTATION CODE; PROVIDING FOR EXEMPTIONS FOR CERTAIN VETERANS AND MILITARY AWARD RECIPIENTS FROM PARKING FEES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS 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 Texas Legislature has authorized certain exemptions from parking meter fees charged by a governmental authority and has provided that a governmental unit may provide by ordinance or order that the exemption in Section 681.008(b) also apply to payment of a fee or penalty imposed by the governmental unit for parking in a parking garage or lot or in a space with a limitation on the length of time for parking, and,

**WHEREAS**, the City Council finds that providing for certain exemptions from parking fees is in the best interest of the City,

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

**SECTION I.** That Chapter 28, Article V, Section 28-137 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

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**Sec. 28-137. - Parking at Killeen-Fort Hood Regional Airport.**

- A. The airport director may establish areas in which the stopping, standing or parking of a motor vehicle is prohibited or restricted.
- B. A person may not park a motor vehicle in a public area of the Killeen-Fort Hood regional airport except:

1. at a place and in a manner expressly authorized by the airport director;
  2. as directed by a police officer or an airport official; or
  3. in compliance with official posted signs or markings.
- C. A person may not stop, stand or park a motor vehicle in a passenger loading zone except to quickly load or unload passengers and baggage. A motor vehicle may not be left unattended while loading or unloading passengers and/or baggage.
- D. An airport official may tow a motor vehicle parked on airport property in violation of this chapter at the owner or operator's expense.
- E. The City hereby adopts the exemption provided to certain Veterans and Military Award Recipients by Section 681.008(b) of the Transportation Code, and provides that:
1. When being operated by or for the transportation of a person to whom this section applies, a vehicle on which license plates described in this section are displayed is exempt from the payment of a fee imposed for parking in a lot at the Killeen-Fort Hood Regional Airport.
  2. The person claiming the exemption must provide proof of picture identification and either vehicle registration or insurance to confirm that the vehicle is eligible for exemption from the parking fee.

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**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 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 9<sup>th</sup> day of June, 2015, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

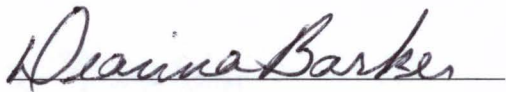
**APPROVED**



Scott Cosper, MAYOR

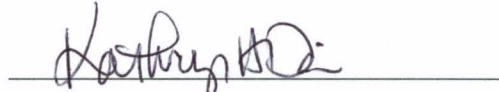


**ATTEST:**



Dianna Barker, CITY SECRETARY

**APPROVED AS TO FORM:**



Kathryn H. Davis, CITY ATTORNEY



**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN EXEMPTING DISABLED VETERANS AND CERTAIN MILITARY AWARD RECIPIENTS FROM PARKING FEES AT THE KILLEEN-FORT HOOD REGIONAL AIRPORT**

**ORIGINATING DEPARTMENT**

**Aviation**

**BACKGROUND INFORMATION**

From the opening of Killeen-Fort Hood Regional Airport, the vendor operating the pay parking lot at the Airport as an agent for the City of Killeen has provided an exemption of normal parking fees for disabled veterans and certain military award recipients in the categories which are specified in Section 681.008(b) and 681.008(b)(1) of the Texas Transportation Code. The exemption applies only to vehicles being operated by or for the transportation of a disabled veteran or military award recipient covered by the statute.

**DISCUSSION/CONCLUSION**

A recent review of procedures used to verify the eligibility of persons who are exempted from parking fees at the Killeen-Fort Hood Regional Airport has determined that this subsection of the Transportation Code applies only to parking spaces for which a fee is collected by a parking meter. However, Section 681.008(d) provides that a local governmental unit may provide by ordinance or order that the exemption also apply to fees imposed by the governmental unit for parking in a pay parking lot. The proposed amendment to Chapter 28 of the Code of Ordinances of the City of Killeen officially codifies the current practice of providing these exemptions and establishes a requirement for the individual claiming the exemption to provide proof of identification and either vehicle registration or insurance to confirm that the vehicle and individual is eligible for the exemption from the parking fee.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Recommend adoption of the proposed ordinance amending Chapter 28 of the Code of Ordinances of the City of Killeen, adopting the provisions of Section 681.008(b) of the Transportation Code and providing an exemption from parking fees at the Killeen-Fort Hood Regional Airport for certain veterans and military award recipients.