

ORDINANCE NO. 05162023

AN ORDINANCE OF THE CITY OF KOSSE, TEXAS FOR PROVIDING REQUIREMENTS FOR THE INSTALLATION OF TINY HOME WITHIN THE CITY LIMITS OF KOSSE, REQUIRING AN APPLICATION FOR THE LOCATION AND PLACEMENT OF TINY HOME; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the growth and development of the city is a matter of paramount importance to the City and its citizens; and

WHEREAS, the City Council of the City of Kosse finds it to be in the best interest of the public safety, health and general welfare to regulate Tiny Houses within the City;

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

Section 1. DEFINED TERMS

- 1.1 Definitions. All definitions contained in this section are for use with and are only applicable as used in connection with this ordinance.
- A. **Building Official**: Code Enforcement or other designated inspection authority of the City.
 - B. **Driveway**: Short Road leading from a public road to a house or garage
 - C. **Site Pad**: The minimum dimensions of a site pad shall be no less than the overall width and no less than the overall length of the tiny home.
 - D. **Skirting**: Means enclosing the open space between the underside of the tiny home and the ground around the entire perimeter of the structure using a masonry wall or a framework to which solid, fire-resistant panels are attached, with necessary vents.
 - E. **Permit**: Written permit and or application issued by the Mayor permitting the placement, alteration or extension of a Tiny Home under the provisions of this Ordinance and regulations issued hereunder.
 - F. **Person**: Any natural individual, firm, trust, partnership, association, or corporation.
 - G. **Pre-manufactured**: Means that the Tiny Home has been manufactured as a unit off-site or its components have been manufactured off-site and are put together on-site.
 - H. **Tiny Home**: Residential dwelling pre-manufactured structures that are not HUD Manufactured Homes or mobile homes that has a square footage of no less than four hundred (400) square feet and no greater than nine hundred (900) square feet total living space. Living space shall exclude porches, garages, and other space not heated or cooled by mechanical means. With said dwelling being structurally attached to a transportable chassis, with or without a permanent foundation.
Tiny Homes constructed or otherwise located in the city shall be subject to the following:
 - 1. **Minimum Unit Size**: Each Tiny House shall have a minimum gross floor area of not less than four hundred (100) square feet.
 - 2. **Minimum Sleeping Room Size**: In every Tiny House of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least thirty- five (35) square feet of floor space.

3. **Width:** Each Tiny House must measure not less than seven feet (7.0').
4. **Depth:** Each Tiny House must measure not less than twelve feet (12') and not greater than forty feet (40') in length.
5. **Restroom:** Each Tiny House shall have a least one restroom dedicated and capable of connecting to city plumbing and discharging wastewater.
6. **Construction Standards:** In addition to the regulations set forth in this Ordinance, every Tiny House located in the city, whether constructed in the city on a permanent foundation or constructed off-site and transported to the city, shall, at the time of application for a building permit or, if not building permit is required, certificate of occupancy, be constructed in accordance with:
 - a. all construction codes relating to residential dwelling units enacted by the City of Kosse that are deemed to be applicable to the structural stability and life safety requirements for a Tiny Home as determined by the Building Official or designee; and
 - b. The 2021 International Tiny House Provisions: Code, Commentary and Standards for Design, Construction and Compliance issued by the International Code Council.
7. **Foundation Platforms:** Tiny Home located in the city shall be constructed with one of the following foundation platforms:
 - a. Mobile, or wheeled, platforms shall be permitted in the form of a trailer vehicle that is registered with the Texas Department of Motor Vehicles (TxDMV). Such dwellings may be towed in-place by means of bumper hitch, frame-towing hitch, fifth-wheel connection, gooseneck type, or other approved towing method.
 - (1) All Tiny Homes with mobile or wheeled platforms shall be:
 - (a) tied down to the ground or pad with an auger/ground anchors when located on a Pad; and
 - (b) constructed with fire-resistant skirting, with the necessary vents, screens, and/or openings that is installed within thirty (30) days after placement of the Tiny Home on the Pad.
 - b. Conventional foundation platforms, such concrete slab on-grade, pier and beam, perimeter grade beam, and similar permanent foundation types shall be permitted, with such foundations being certified by a registered professional structural engineer as a condition of securing building permit approval.

Section 2. PERMITS

- A. **Permit.** The owner or person in control of the property (hereinafter “owner”) upon which the Tiny Home is to be located must apply for and obtain a permit from the City before any installation of a Tiny Home begins.

- B. Application. The owner must make an application to the City by filing with the City Secretary the following information:
- 1) a plat or survey showing the property;
 - 2) a site plan which shows the location of the tiny home on the property, the location of proposed connections to utility services and identification of the service providers, and any other improvements to be made on the property;
 - 3) dimensions of the Tiny Home;
 - 4) the identity of the Licensed Retailer or Installer who is proposed to install the tiny home;
 - 5) current pictures of the tiny home proposed to be installed-including of all walls and the roof.
 - 6) Tiny Homes constructed or otherwise, require professional engineer plans to show that the construction or renovation will be in compliance with the 2021 International Tiny House Provisions: Code, Commentary and Standards for Design, Construction and Compliance issued by the International Code Council.
- C. Issuance or Denial. If the proposed installation of the tiny home does not appear to violate this Ordinance, the Mayor shall issue the permit. If the Mayor denies the permit, he must do so in writing delivered to the owner, and the writing must explain the reason(s) for the denial. The decision must be made within 30 days of receipt of the application, and if a decision is not made within that period the application is considered denied. The owner may appeal a denial of a permit to the city council by filing an appeal with the City Secretary within 30 days after the denial. The city council shall consider the appeal at the next council meeting for which it can be legally placed on the agenda. The council may uphold the Mayor's denial of the permit or reverse the mayor's denial of the permit and order the permit issued or issued with certain conditions.
- D. Permit Fee. The permit fee is \$500 plus 5 cents per sq. ft and must be paid at the time that the application is filed with the city.

Section 3. BASIC TINY HOME REQUIREMENTS

- A. The Tiny Home must be on a foundation with at least six (6) inches of cement footing, which is steel reinforced for load bearing walls. A tiny home built on a trailer is required to remove wheels/axles in order to tie down to a foundation as described above.
- B. The Tiny Home must have a driveway.
- C. The Tiny Home is required to be skirted.
- D. The Tiny Home must be located on a Common Access Route / Internal Street, and have an assigned address obtained at the City Office.
- E. The Tiny Home must be connected to City utilities, which are water and sewer services. Sewer service is essential to dispose of all human waste. No composting toilets will be permitted.
- F. The Tiny Home must comply with the 2021 International Building Codes that are listed in Ordinance 05162023A and the regulations of buildings in Ordinance 101112.
- G. The Tiny Home if not finished out when moved onto the property a time frame of 180 days will be allotted to complete the home.

- H. Pre-manufactured Tiny Homes must provide a Certification Label Verification from the manufacturer.
- I. The Tiny Home must pass the occupancy inspection by the Building Official before occupying the home.

Section 4. REPEALING CLAUSE

That all Ordinances and parts of Ordinances in conflict with the terms of the ordinance are hereby repealed.

Section 5. PENALTY PROVISION

Any person, firm or corporation violating this Ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined no more than five hundred dollars (\$500.00), and each day that such violation continues shall be considered a separate offense punishable accordingly.

Section 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage, approval and publication.

PASSED, APPROVED AND EFFECTIVE this 16th day of May, 2023.

s/Brooks Valls
 Mayor
 City of Kosse, Texas

ATTEST:
s/Christina Lockhart
 City Secretary

City Council Record Vote:

The members of the Governing Body voted on the adoption of Ordinance No.05232023 – 16th day of May, 2023:

	AYE	NAY	NOT VOTING	ABSENT	SIGNATURE
Ronnie Funderburk, Mayor Pro Tem	<u> X </u>	_____	_____	_____	<u>s/Ronnie Funderburk</u>
Todd Freeman, Councilmember	<u> X </u>	_____	_____	_____	<u>s/Todd Freeman</u>
Cullen Freeman, Councilmember	<u> X </u>	_____	_____	_____	<u>s/Cullen Freeman</u>
Kendall Funderburk, Councilmember	<u> X </u>	_____	_____	_____	<u>s/Kendall Funderburk</u>
Kelli Eno, Councilmember	<u> X </u>	_____	_____	_____	<u>s/Kelli Eno</u>