

(First Published in the Lincoln-Sentinel-Republican, April 17, 2024)

ORDINANCE NUMBER 748

AN ORDINANCE AMENDING CHAPTER IV, ADDING A NEW ARTICLE 11, SECTIONS 4-1101 THROUGH 4-1108 TO THE CITY CODE OF THE CITY OF LINCOLN CENTER, KANSAS, TO PLACE CERTAIN RESTRICTIONS AND PROHIBITIONS ON THE TYPES OF STRUCTURES AND MATERIALS USED FOR CONSTRUCTING HABITABLE STRUCTURES WITHIN THE CITY LIMITS OF THE CITY OF LINCOLN CENTER.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF LINCOLN, KANSAS:

SECTION 1. The City Code of the City of Lincoln Center, Kansas is hereby amended by adding a new Article 11 to Chapter IV, which reads as follows:

ARTICLE 11. TINY HOUSES AND SHIPPING/STORAGE CONTAINERS

4-1101. DEFINITIONS. For the purposes of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

(a) Shipping/Storage Container. A Shipping/Storage Container is defined as a unit originally or specifically designed or used to store goods, movement of materials, or merchandise during shipping or hauling by container upon ships, rail, or other types of transportation and are usually 8' wide and 8'6" high by either 20' or 40' length.

(b) Tiny House. A Tiny House is defined as a unit that is sized under six hundred (600) square feet.

4-1102. TINY HOUSE PERMITTED; LOCATION. A person shall be allowed to locate a Tiny House, as defined herein, on an area that is not less than 1,000 square feet within the city limits of the City of Lincoln Center. Only one (1) Tiny House that shall be allowed on such area, and each Tiny House shall be individually metered for utilities, such as water, electricity, natural gas, and sewer. Each Tiny House shall be affixed to the real property by permanent foundation, and it shall be a violation of the city code if such Tiny House remained situated on wheels or a trailer, or is otherwise mobile.

4-1103. FACILITIES REQUIRED; CONNECTION TO CITY UTILITIES. It shall be unlawful for the owner of any real property, or the owner of a Tiny House, for such Tiny House to be situated on real property within the city limits without having the Tiny House connected to the city sewer system for the purpose of disposing of all waste substances from such Tiny House. Furthermore, it shall be required that each Tiny House be connected to city utilities, with any such Tiny House individually metered for the same.

4-1104. PARKING. It shall be unlawful to park or permit to be parked a Tiny House, on any street or roadway within the city limits of the City of Lincoln Center without having the Tiny House connected to city utilities.

4-1105. USE OF SHIPPING/STORAGE CONTAINERS PROHIBITED FOR HABITABLE STRUCTURE. No person, corporation, or other entity shall utilize Shipping/Storage Container for the purposes of constructing a residential home, or any other habitable structure within the city limits of the City of Lincoln Center.

4-1106. PENALTIES. Any person or entity who violates the provision of this article shall, upon conviction thereof, be punished by a fine not to exceed \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, provided that each day violation of this article or any provision thereof occurs shall constitute a separate offense.

4-1107. OTHER ENFORCEMENT REMEDIES. In the event any Tiny House and/or Shipping/Storage Container is moved in, altered, or otherwise is in violation of this article, the appropriate authorities of the City of Lincoln Center, in addition to the other remedies provided for in this article, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful actions or violations of this article. The governing body of the city shall have the authority to commence suits or actions in any court of competent jurisdiction to enforce this article, to abate nuisances, to bring ejection or injunction proceedings against the violator.

4-1108. SEVERABILITY. All sections of this article are deemed to be severable and the failure to enforce or a ruling that a particular section is unenforceable shall not affect the enforceability of other section.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper.

INTRODUCED, PASSED, and APPROVED by the City Council of the City of Lincoln Center, Kansas, on this 8th day of April, 2024.

APPROVED:

By: /s/ Travis Schwerdtfager
Mayor

Attest: (seal)

By: /s/Heather N Hillegeist
City Clerk