

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, November 20, 2019, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2761

A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 12-2.4, RELATING TO TINY HOUSES

This Bill proposes to amend Chapter 12, Article 2, Kaua'i County Code 1987, as amended, by adding a new "Section 12-2.4 Tiny Houses." The purpose of this Bill is to create a definition and a construction code specific to a tiny house in order to allow the construction of tiny houses in all zoning districts.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2761 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 23, 2019, by the following vote:

AYES: Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL - 6,
NOES: None	TOTAL - 0,
EXCUSED & NOT VOTING: Brun	TOTAL - 1,
RECUSED & NOT VOTING: None	TOTAL - 0.

Lihu'e, Hawai'i
October 24, 2019

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication - The Garden Island - October 30, 2019)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2,
KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW
SECTION 12-2.4, RELATING TO TINY HOUSES**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Chapter 12, Article 2, Kauai County Code 1987, as amended, is hereby amended by adding a new Section 12-2.4 to read as follows, and all other and prior ordinances or parts of ordinances in conflict herewith are hereby repealed:

“Section 12-2.4 Tiny Houses.

For the purpose of this Ordinance as it applies to the construction of a Tiny House, the International Residential Code for One- and Two-Family Dwellings, Appendix Q, 2018 Edition, as copyrighted and published in 2017 by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, is by reference incorporated herein and made a part hereof, subject to the following amendment:

1. Amending Section AQ102. Section AQ102 is amended to read as follows:

**SECTION AQ102
DEFINITIONS**

TINY HOUSE. A dwelling that is [400 square feet (37 m²)] 500 square feet (46 m²) or less in floor area excluding lofts. The maximum total floor area of 500 square feet shall mean the sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls. The total floor area shall include enclosed attached accessory structures such as garages or storage areas. Unenclosed attached structures such as carports, breezeways, lanais, or porches shall be excluded.”

SECTION 2. “For the purpose of adoption, the International Residential Code for One- and Two-Family Dwellings, sections of Chapter 3 Building Planning, 2018 Edition, is by reference incorporated and made part of this code:

1. Section R310 reads as follows:

SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS

R310.1 Emergency escape and rescue opening required. Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

1. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m²).

2. Where the dwelling or townhouse is equipped with an automatic sprinkler system installed in accordance with Section P2904, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:

2.1. One means of egress complying with Section 311 and one emergency escape and rescue opening.

2.2. Two means of egress complying with Section 311.

R310.1.1 Operational constraints and opening control devices.

Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge. Window opening control devices on windows serving as a required emergency escape and rescue opening shall comply with ASTM F2090.

R310.2 Emergency escape and rescue openings. Emergency escape and rescue openings shall have minimum dimensions as specified in this section.

R310.2.1 Minimum opening area. Emergency and escape rescue openings shall have a net clear opening of not less than 5.7 square feet (0.530 m²). The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height of the opening shall be not less than 24 inches (610 mm) and the net clear width shall be not less than 20 inches (508 mm).

Exception: Grade floor openings or below-grade openings shall have a net clear opening area of not less than 5 square feet (0.465m²).

R310.2.2 Window sill height. Where a window is provided as the emergency escape and rescue opening, it shall have a sill height of not more than 44 inches (1118 mm) above the floor, where the sill height is below grade, it shall be provided with a window well in accordance with Section R310.2.3.

R310.2.3 Window wells. The horizontal area of the window well shall be not less than 9 square feet (0.9 m²), with a horizontal projection and width of not less than 36 inches (914 mm). The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Exception: The ladder or steps required by Section R310.2.3.1 shall be permitted to encroach not more than 6 inches (152 mm) into the required dimensions of the window well.

R310.2.3.1 Ladder and steps. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Section 311.7. Ladders or rungs shall have an inside width of not less than 12 inches (305 mm), shall project not less than 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

R310.2.3.2 Drainage. Window wells shall be designed for proper drainage by connecting to the building's foundation drainage system required by Section R405.1 or by an approved alternative method.

Exception: A drainage system for window wells is not required where the foundation is on well-drained soil or sand-gravel mixture soils in accordance with the United Soil Classification system, Group I Soils, as detailed in Table R405.1.

R310.2.4 Emergency escape and rescue openings under decks and porches. Emergency escape and rescue openings installed under decks and porches shall be fully openable and provide a path not less than 36 inches (914 mm) in height to a yard or court.

R310.2.5 Replacement windows. Replacement windows installed in buildings meeting the scope of this code shall be exempt from the maximum sill height requirements of Section 310.2.2 and the requirements of Section 3102.1, provided that the replacement window meets the following conditions:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

2. The replacement window is not part of a change of occupancy.

R310.3 Emergency escape and rescue doors. Where a door is provided as the required emergency escape and rescue opening, it shall be a side-hinged door or a slider. Where the opening is below the adjacent grade, it shall be provided with an area well.

R310.3.1 Minimum door opening size. The minimum net clear height opening for any door that serves as an emergency and escape rescue opening shall be in accordance with Section R310.2.1.

R310.3.2 Area wells. Area wells shall have a width of not less than 36 inches (914 mm). The area well shall be sized to allow the emergency escape and rescue door to be fully opened.

R310.3.2.1 Ladder and steps. Area wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the door in the fully open position. Ladders or steps required by this section shall not be required to comply with Section R311.7. Ladders or rungs shall have an inside width of not less than 12 inches (305 mm), shall project not less than 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the exterior stairwell.

R310.3.2.2 Drainage. Area wells shall be designed for proper drainage by connecting to the building's foundation drainage system required by Section 405.1 or by an approved alternative method.

Exception: A drainage system for area wells is not required where the foundation is on well-drained soil or sand-gravel

mixture soils in accordance with the United Soil Classification System, Group I Soils, as detailed in Table R405.1.

R310.4 Bars, grilles, covers and screens. Where bars, grilles, covers, screens, or similar devices are placed over emergency escape and rescue openings, area wells, or window wells, the minimum net clear opening size shall comply with Sections R310.2.1 through R310.2.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that required for the normal operation or the escape and rescue opening.

R310.5 Dwelling additions. Where dwelling additions contain sleeping rooms, an emergency escape and rescue opening shall be provided in each new sleeping room. Where dwelling additions have basements, an emergency escape and rescue opening shall be provided in the new basement.

Exceptions:

1. An emergency escape and rescue opening is not required in a new basement that contains a sleeping room with an emergency escape and rescue opening.
2. An emergency escape and rescue opening is not required in a new basement where there is an emergency escape and rescue opening in an existing basement that is accessed from the new basement.

R310.6 Alterations or repairs of existing basements. An emergency escape and rescue opening is not required where existing basements undergo alterations or repairs.

Exception: New sleeping rooms created in an existing basement shall be provided with emergency escape and rescue openings in accordance with Section R310.1.

2. Section R311.7.8 reads as follows:

**SECTION R311.7.8
HANDRAILS**

Handrails shall be provided on not less than one side of each flight of stairs with four or more risers.

R311.7.8.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

Exceptions:

1. The use of volute, turnout or starting easing shall be allowed over the lowest tread.

2. Where handrail fittings or bendings are used to provide continuous transition between flights, transitions at winder treads, the transition from handrail to guard, or used at the start of a flight, the handrail height at the fittings or bendings shall be permitted to exceed 38 inches (956 mm).

R311.7.8.2 Handrail projection. Handrails shall not project more than 4 ½ inches (114 mm) on either side of the stairway.

Exception: Where nosings of landings, floors or passing flights project into the stairway reducing the clearance at passing handrails, handrails shall project not more than 6 ½ inches (165 mm) into the stairway, provided that the stair width and handrail clearance are not reduced to less than that required.

R311.7.8.3 Handrail clearance. Handrails adjacent to a wall shall have a space of not less than 1 ½ inches (38 mm) between the wall and the handrails.

R311.7.8.4 Continuity. Handrails shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals.

Exceptions:

1. Handrail continuity shall be permitted to be interrupted by a newel post at a turn in a flight with winders, at a landing, or over the lowest tread.

2. A volute, turnout, or starting easing shall be allowed to terminate over the lowest tread.

R311.7.8.5 Grip size. Required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of not less than 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular, it shall have a perimeter of not less than 4 inches (102 mm) and not greater than 6 ¼ inches (160 mm) and a cross section of not more than 2 ¼ inches (57 mm). Edges shall have a radius of not less than 0.01 inch (0.25 mm).

2. Type II. Handrails with a perimeter greater than 6 ¼ inches (160 mm) shall have a graspable finger recess area on both sides of the profile. The finger recess shall begin within ¾ inch (19 mm) measured vertically from the tallest portion of the profile and have a depth of not less than 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for not less than 3/8 inch (10 mm) to a level that is not less than 1 ¾ inches (45 mm) below the tallest portion of the profile. The width of the handrail above the recess shall not be less than 1 ¼ inches (32 mm) and not more than 2 ¾ inches (70 mm). Edges shall have a radius of not less than 0.01 inch (0.25 mm).

R311.7.8.6 Exterior plastic composite handrails. Plastic composite exterior handrails shall comply with the requirements of Section R507.2.2.

3. Section R311.7.11 reads as follows:

SECTION R311.7.11 ALTERNATING TREAD DEVICES

Alternating tread devices shall not be used as an element of a means of egress. Alternating tread devices shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

Exception: Alternating tread devices are allowed to be used as an element of a means of egress for lofts, mezzanines and similar areas of 200 gross square feet (18.6 m²) or less where such devices do not provide exclusive access to a kitchen or bathroom.

R311.7.11.1 Treads of alternating tread devices. Alternating tread devices shall have a tread depth of not less than 5 inches (127 mm), a projected tread depth of not less than 8 ½ inches (216 mm), a tread width of not less than 7 inches (178 mm) and a riser height of not more than 9 ½ inches (241 mm).

The tread depth shall be measured horizontally between the vertical planes of the foremost projections of adjacent treads. The riser height shall be measured vertically between the leading edges of adjacent treads. The riser height and tread depth provided shall result in an angle of ascent from the horizontal of between 50 and 70 degrees (0.87 and 1.22 rad). The initial tread of the device shall begin at the same elevation as the platform, landing or floor surface.

R311.7.11.2 Handrails of alternating tread devices. Handrails shall be provided on both sides of alternating tread devices and shall comply with Sections R311.7.8.2 to R311.7.8.6. Handrail height shall be uniform, not less than 30 inches (762 mm) and not more than 34 inches (864 mm).

R311.7.12 Ships ladders. Ships ladders shall not be used as an element of a means of egress. Ships ladders shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20 inches.

Exception: Ships ladders are allowed to be used as an element of a means of egress for lofts, mezzanines and similar areas of 200 gross square feet (18.6 m²) or less that do not provide exclusive access to a kitchen or bathroom.

R311.7.12.1 Treads of ships ladders. Treads shall have a depth of not less than 5 inches (127 mm). The tread shall be projected such that the total of the tread depth plus the nosing projection is not less than 8 ½ inches (216 mm). The riser height shall be not more than 9 ½ inches (241 mm).

R311.7.12.2 Handrails of ships ladders. Handrails shall be provided on both sides of ships ladders and shall comply with Sections R311.7.8.2 to R311.7.8.6. Handrail height shall be uniform, not less than 30 inches (762 mm) and not more than 34 inches (864 mm).

4. Section R312 reads as follows:

SECTION R312 GUARDS AND WINDOW FALL PROTECTION

Guards shall be provided in accordance with Sections R312.1.1 through R312.1.4.

R312.1.1 Where required. Guards shall be provided for those portions of open-sided walking surfaces, including stairs, ramps and landing, that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

R312.1.2 Height. Required guards at open-sided walking surfaces, including stairs, porches, balconies or landings, shall be not less than 36 inches (914 mm) in height as measured vertically above the adjacent walking surface or the line connecting the nosings.

Exceptions:

1. Guards on the open sides of stairs shall have a height of not less than 34 inches (864 mm) measured vertically from a line connecting the nosings.

2. Where the top of the guard serves as a handrail on the open sides of stairs, the top of the guard shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) as measured vertically from a line connecting the nosings.

R312.1.3 Opening limitations. Required guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 4 inches (102 mm) in diameter.

Exceptions:

1. The triangular openings at the open side of stair, formed by the riser, tread and bottom rail of a guard, shall not allow passage of a sphere 6 inches (153 mm) in diameter.

2. Guards on the open side of stairs shall not have openings that allow passage of a sphere 4 3/8 inches (111 mm) in diameter.

R312.1.4 Exterior plastic composite guards. Plastic composite exterior guards shall comply with the requirements of Section R317.4.”

SECTION 3. All other provisions of Chapter 12, Kaua'i County Code 1987 as amended, shall apply when applicable, to the construction of a Tiny House except for the amendments provided for in this Ordinance. A Tiny House constructed pursuant to this Ordinance shall also conform to the standards and requirements of the Department of Health, State of Hawai'i, including Chapter 11 (Sanitation), Title 11, Administrative Rules of the Department of Health as updated

and amended, and Chapter 62 (Wastewater Systems), Title II, Administrative Rules of the Department of Health, as updated and amended.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 5. Material to be deleted is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 6. This Ordinance shall take effect upon its approval.

Introduced by:



LUKE A. EVSLIN



KIPUKAI KUALITI

DATE OF INTRODUCTION

October 23, 2019

Lihu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2761, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 23, 2019, by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Brun	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawaii
October 24, 2019



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i