

**AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE CONSTRUCTION AND PLACEMENT OF SMALL OR TINY STRUCTURES INTENDED FOR NON RESIDENTIAL USE WITHIN THE CITY OF CALIFORNIA, MISSOURI**

WHEREAS, the City recognizes the need for commercial, industrial, manufacturing and retail growth within the City; and

WHEREAS, there has been a recent trend to the construction and placement of small or tiny structures utilized for commercial and non residential purposes; and

WHEREAS, the City believes it imperative that the small or tiny structures be constructed and located in such a manner as to protect the health and safety of those patronizing the business or utilizing the structure, and the value of the properties adjacent to the tiny structures.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CALIFORNIA, MISSOURI, AS FOLLOWS:**

**Section 1.      DEFINITIONS**

**A      Tiny structure:**

Also referred to as a "Small structure" and "tiny structure." A detached and self contained unit with basic functional areas that support normal daily business routines, including heating, air conditioning, running water, sanitation. The structure must be a minimum of 300 square feet and no more than 900 square feet in total floor area, not including lofts. For purposes of this ordinance, a "tiny structure" does not include the typical stand alone storage structure utilized for storage of the owner's own personal property. The term "tiny structure" does not apply to or include storage unit facilities, so long as same are used for the purpose designed (storage of personal property) and not for the purpose of conducting business from the site.

**Section 2.      COMPLIANCE**

Tiny structures shall comply with the requirements of this Ordinance. The construction, occupation, ownership, or placement of a tiny structure, when utilized for non residential, commercial purposes such as business or retail, and excluding the use of the structure as a typical storage structure, under the size of 300 square feet, is a nuisance under the ordinances of the City of California; the maintenance of such a nuisance is deemed unlawful, subject to prosecution under the City ordinances and subject to abatement as provided in this Ordinance 24.041 and this Ordinance.

**Section 3.      THE CONSTRUCTION OF TINY HOMES**

Tiny commercial structures under the size of 300 square feet are not permitted.

Tiny structures shall not be more than two stories in height; total building height shall not exceed 30 foot.

Roof must be a pitch roof constructed of metal roofing or composite shingles. Exteriors may be exterior grade wood, metal or vinyl siding, or brick. Painted plywood or bare wood exteriors are not acceptable. Insulation is required on all exterior walls and ceiling or attic spaces. Exterior wall insulation shall have a minimum R-value of R-13. Exterior attic or ceiling insulation shall have a minimum R-value of R-30.

The minimum square footage shall not account for the required facilities, including toilet facility areas, or lofts, which are required in addition to the minimum.

Rooms within the tiny structure must have at least 70 square feet of floor area (except for the kitchen area).

Ceiling heights must be a minimum of 7 feet in useable space, hallways, bathrooms and toilet rooms. In the instance where a portion of a sloped ceiling measuring less than 5 foot or a furred ceiling measuring less than 7 foot from the finished area, the floor area beneath the lower ceiling shall not be considered to contribute to the minimum required habitable area for that room. Obstructions including but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights. Ceiling heights in lofts are permitted to be less than 7 foot from the floor.

Each tiny structure shall have a bathroom, partitioned off from other spaces in the structure. Any kitchen sink shall not also serve as a substitute for the lavatory. The bathroom will have at a minimum, a lavatory, and toilet.

Each tiny structure shall have the ability to be heated to maintain a whole structure ambient temperature of at least 68 degree Fahrenheit in all useable rooms and bathrooms, and shall have a proper and sufficient ventilation system compliant with industry standards. The use of a space heater for primary heat source is strictly prohibited.

Each tiny structure built for, intended for, or utilized as a food sales or sanitation structure shall meet, in addition to the requirements of this ordinance, any requirements imposed by the Missouri Department of Health or the Moniteau County Health Department.

Stairways to a loft within the tiny structure shall not be less than 17 inches wide at the handrail, and 20 inches wide below the handrail, and must have a minimum 8 inch riser and a 9 inch tread. Use of ladders and "ship ladders" is prohibited. Spiral stairways are permitted. All stairways must have a secure handrail.

Lofts shall have a floor area of not less than 35 square feet, shall be not less than 5 feet in any horizontal dimension. Those portions of a loft with a sloped ceiling measuring less than 3 feet from the finished floor to the finished ceiling shall not be considered as a part of the minimum square footage required for the loft.

Each tiny structure shall have at least one emergency escape or access, in addition to the main door to the structure. If the tiny structure has a loft, there shall be an emergency escape or access no more than 44 inches from the floor surface of the loft.

Exterior entrance steps: All exterior stairs shall have a landing immediately on the exterior side of the dwelling. These landings shall be as wide as the door and a minimum of 36 inches in the direction

of travel. Steps must be permanent; concrete block steps are not permitted. Precast concrete steps, permanent wooden steps, or metal steps, all with stringers and handrails, are permitted.

Storage and portable buildings converted to tiny structures for commercial or non residential use are not accepted and are not in compliance with this Ordinance. Shipping container storage units are not accepted and are not in compliance with this Ordinance. Prefabricated tiny structures which meet the requirements of this ordinance are permitted.

All tiny structures must have the characteristics of a typical business or residential structure.

#### Section 4. THE PLACEMENT OF TINY HOMES

Each tiny structure must be built on site, upon a permanent foundation, which includes a frost proof concrete slab, crawl space, or basement. Crawl spaces shall be ventilated.

Each tiny structure must be anchored to withstand minimum 90 mph wind load.

The minimum lot requirements for placement of a tiny structure are:

The minimum lot width for an interior lot shall be thirty feet of street frontage.

The minimum lot width for a corner lot shall be forty feet.

The minimum lot depth shall be 75 feet.

The minimum lot area shall be 2,250 square feet.

Front yard: No tiny structure shall be located within 25 feet of the front property line. If an accessory building to a primary residence or other structure, no tiny structure shall be located in the front yard between a primary residence and the front property line.

Side yard: No tiny structure shall be located within seven feet of any side property line of an interior side property line.

If an accessory building to an existing single family residence or other structure, no tiny structure shall be located within five feet of any side property line.

No tiny structure or accessory building to a primary residence or structure shall be located within fifteen feet of the side street right of way of a corner lot. No tiny structure shall be located within seven feet of the interior side of a property line of a corner lot. No tiny structure which is an accessory building to a primary residence or structure shall be located within five feet of the interior side property of a corner lot.

Back yard: No tiny structure shall be located within 25 feet of the rear property line of any lot. If an accessory building to a primary residence or structure, no tiny structure shall be located within 3 feet of any rear property line.

Section 5. UTILITIES

All tiny structures must be connected to public utilities including water, City sewer/wastewater, City electric. Utilizing an extension cord or similar device to extend electric service to the tiny structure from a nearby structure or electric plug is strictly prohibited. Hot and cold running water is required. City utilities are prohibited from being provided or connected, directly or indirectly, to any tiny structure not in compliance with all provisions of this ordinance. The superintendents of the electric, water and sewer departments shall have authority to decline to provide service to any structure which is deficient in the terms of this ordinance, or which appears unsafe or unsanitary.

Section 6. Non Conforming Existing uses

A nonconforming tiny structure or use, existing and in use as a commercial endeavor prior to the date of the passage of this Ordinance, which would otherwise be in violation of this ordinance, is permitted. However, the non conforming structure will be deemed to lose its protected status if it is destroyed, whether in whole or in part, and any modifications, changes, additions, or remodeling of the non conforming structure must be in conformity with the requirements of this Ordinance. Any such non conforming tiny structure or use, existing prior to the date of the passage of this Ordinance, which is not compliant with respect to basic sanitary or safety needs, including but not limited to, a lack of City running water, a lack of proper connection to the wastewater system, a lack of proper electrical connection to the City electrical system, one which utilizes a space heater as a primary source of heat, a lack of an inside toilet and sink, and a lack of a separate kitchen sink, must conform with the terms of this ordinance to meet those minimum standards within one year of the passage of this ordinance.

Section 7. PENALTY AND REMEDIES

Each violation of this ordinance may be abated or prosecuted in accordance with the terms of this Ordinance and Ordinance 24.041 of the City.

Each day that the violation or condition exists shall constitute a separate violation of this Ordinance and may be viewed or prosecuted as such by the City.

Notwithstanding any other provision of the City Ordinances to the contrary, any person who has been found guilty of violating this ordinance shall be subject to the following penalties: for each such violation committed within a twelve month period beginning with the first violation: two hundred dollars for the first such violation, two hundred seventy five dollars for the second such violation, and three hundred fifty dollars for the third such violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violation. The Court shall not sentence a person convicted of a violation of this ordinance to confinement, except the court may sentence a person to confinement for any violation involving violations endangering the health or welfare of others.

The City of California is hereby authorized to file and otherwise prosecute a civil cause of action for the abatement of nuisances created by the accumulation of unsightly, dangerous or noxious personal property within the borders of the City of California, Missouri, and as provided and allowed under Section 79.383, RSMo., and may recover attorneys' fees therefore. This remedy shall be in addition to and not in lieu of any other rights of the City under the provisions of this Ordinance and other ordinances enacted by the City to identify and eliminate nuisances in the City.

Section 8.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

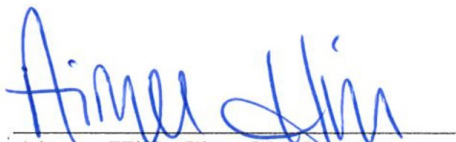
Section 9.     APPROVAL

This ordinance shall be in full force and effect as of the date of its passage and approval. Further, copies of this ordinance having been made available for public inspection prior to the time the same is under consideration by the Board of Aldermen of the City of California, Missouri, and the title of the same having been read two times, this ordinance is

**PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2021.**

  
Mayor Richard G. Green

**ATTEST:**

  
Aimee Hill, City Clerk

