Understanding the Building Department’s Role in the TOT Inspection Process

The Mariposa County transient occupancy program is a unique program. The program is under the authority and management of Mariposa County Planning Department (209-966-5151). Pursuant to the Mariposa County Zoning Ordinance, applications, permitting and final approval reside with Planning even though other County Departments play a role in the approval process.

The Mariposa County Building Department plays a role in the TOT review process. As required by Mariposa County Code (Zoning) and the Mariposa Board of Supervisors, the Building Department is required to provide on-site safety inspections per the “residential safety items” checklist that is attached to this document and that is part of the TOT application package. Any items that are not checked approved on the checklist at the time of inspection will need to be corrected before the application process can move forward with Building’s sign-off approval.

The Building Department not only looks for the safety checklist items but is also required by the Board of Supervisors to give the building an “overall” check for safety and common sense items that may pose an unseen risk. In that process, the Building Department also checks the permitting records and Assessor’s records and compares square footage for any unpermitted work that may have been completed to the structure such as unpermitted remodeling or unpermitted additions. If unpermitted work is discovered, the TOT application process will be suspended until the Building Department’s process for addressing unpermitted work has been satisfied (see the “built without a permit” attachment).

A word of warning: If a property is being purchased for a TOT rental it is highly advisable to complete your “due diligence” in determining whether your property has some undisclosed and unpermitted work that may delay or prevent the TOT application process from going forward. The recommendation is that you retain a professional (California licensed Architect or Engineer) to not only complete a Mariposa County paperwork search but to actually go out and thoroughly inspect the structure for possible signs of unpermitted work. Completing the above prior to the property purchase may save the applicant time and financial grief down the road.
Transient Rental Application (BLDG) Observation Date_____________ Inspector Initials______

Owner Name ____________________________________________
Address ____________________________________________ Cabin or Apt. #_____
Permit No. __________ Date of Final __________ No. of Bedrooms______

[ ] Important Notice: If permitting discrepancies are found between the TOT project site and the Building Department and Assessor’s records, the TOT application will be put on hold until the discrepancies are resolved with the Building Department. This may mean that your TOT application could incur a substantial delay or be denied. Please see our “Built without a Permit” handout that outlines the requirements for resolving un-permitted structures, conversions, remodels, etc.
Examples of discrepancies are: building square footage, number of bedrooms, any indication that work may have been completed without a permit, non-permitted conversion, etc. which may have occurred at any time in the property’s history.

RESIDENCE SAFETY ITEMS

[ ] Electrical: Ground Fault Interrupter (GFI) receptacles shall be provided within six (6) feet of all sinks and for all exterior receptacles (with rain-proof covers). Clothes washers and dryers and all kitchen counter top receptacles that are available for guest use shall be properly grounded.

[ ] Stairs: All interior stairs and exterior stairs shall have 8” rise maximum and 9” minimum run on steps, if built prior to January 1, 2008. If built after January 1, 2008 and all new construction, maximum riser height is 7 ¼” and minimum tread depth shall be 10”. The top of the handrails shall be 34-38 inches in height above surface of tread at the nose, have a minimum 1 ½ inch clearance to the wall and be of sound construction and shall have a 1 ¼” to 2” handgrip. Contact the Building Department if you have questions on this requirement.

[ ] Guardrails: All decks or elevated areas with a drop-off of more than 30 inches to an adjacent level or ground shall have guardrails installed to prevent falls. Guardrails shall be a minimum of 36 inches high and constructed with baluster or intermediate rails with and opening so a 4” sphere cannot pass through, whether vertically or horizontally. New or rebuilt guardrails after 1/1/11 are 42” high.

[ ] Wood-burning Stoves & Fireplaces: All wood-burning stoves that are available for guest use shall be installed to manufacturer’s instructions and meet appropriate construction codes. Instructions for proper use of wood-burning stoves and fireplaces shall be made available to guests. When they are not available for guest use, precautions shall be taken to preclude the use (padlocking or permanent screening).

[ ] Floor/Wall Mounted Heaters: In rental units where floor mounted heaters are in use, posting of potential fire hazards resulting from placement of combustible material on the floor grate shall be posted in the immediate area.

[ ] Bedroom Emergency Escape: All bedrooms must have two exits. If one is a window, the sill must be no higher than 44” above the floor. The open area of the window must be at least 5.7 square feet with a minimum open height of 24” and minimum opening width of 20”. Window bars, grills or grating are not permitted.

Revised Date: June 26, 2018
[ ] **Means of Egress:** At least one side-hinged door with 32” clear width with the door open 90° shall be provided per dwelling. Stairways and hallways shall be 36” minimum in width. A landing shall be provided at the top and bottom of each stairway.

[ ] **Swimming Pools:** Effective January 1, 2018 all pools and spas shall have two (2) of the required drowning prevention safety features per California Health and Safety Code 115922.

[ ] **Other:** If, at the time of inspection, a health or safety violation is observed by the inspector, the violation must be corrected prior to final approval from the Mariposa County Building Department.

**Observation Result**

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BUILDING DEPARTMENT MEMORANDUM

RE: Building Department policy for permitting structures constructed, modified, altered or repaired without a building permit.

The following are the required steps in bringing an unpermitted structure up to applicable code and receiving a certificate of completion or occupancy from the Mariposa County Building Department. This policy is for all types of construction, both residential and commercial, and include homes, additions, decks, sheds, barns, gazebos and all other construction that is not expressly exempt from a building permit per the 2013 California Residential Code, section R105.2 (attached).

1. The property owner is required to retain a California Registered Design Professional to make a project survey and serve as the Design Professional of Record for the project. This Design Professional can either be a California Licensed Architect or a California Registered Engineer. This Design Professional of Record shall be responsible to ensure that all trade elements are/shall be brought up to applicable code and shall be approved by the Building Official. A designer, draft person or contractor doesn’t qualify for this requirement.

2. The Design Professional of Record will inspect and verify (or commission appropriate trade contractors for survey) the current construction (all trades) and any required engineering. The Design Professional of Record will verify the use designation, prepare a detailed set of “as built” drawings, indicate any additional changes required to bring the structure up to applicable code on the drawings and stamp/sign the drawings.

3. The owner or his agent shall then submit the drawings to the Mariposa County Building Department, pay all required fees and penalties, and start the proper permit application process. Plan check fees, building permit fees, school fees, etc. will be at the current fee rate. Additional fees and requirements from other Departments may be required. Penalty fees will be assessed on intentional work completed without a permit. Fees will not be determined until all paperwork has been properly submitted to the Building Department.

4. Following the proper permit application process and issuance of a building permit, inspections will be made by the Mariposa County Building Department, any other County Departments required by the project and the Design Professional of Record. The Design Professional of Record shall make appropriate phase inspections of the project and submit letters of acceptance to the Building Department. The Design Professional of Record shall also submit a final letter of acceptance stating that the building now conforms to the applicable codes and the project has been completed to his/her satisfaction.

5. Once all of the above have been satisfactorily completed a certificate of completion or occupancy will be issued by the Mariposa County Building Department and the file will be closed.
topography of the site render the elevation standards of Section R322 inappropriate.

2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.

3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

4. The modification is the minimum necessary to afford relief, considering the flood hazard.

5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced flood elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the California Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

R104.11.1 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION R105 PERMITS

R105.1 Required. Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 20 square feet (1.83 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

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Gas:
1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:
1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:
1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:
1. Identify and describe the work to be performed by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant’s authorized agent.
7. Give such other data and information as required by the building official.

R105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the building