250226

BED & BREAKFAST / VACATION RENTAL / AGRICULTURAL HOMESTAY TAX CERTIFICATE FOR:

NEW Facilities, Hotels/Motels and for EXISTING facilities that need an AMENDED CERTIFICATE

GENERAL INFORMATION

Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039, Mariposa, CA 95338
Telephone (209) 966-5151 FAX (209) 742-5024
www.mariposacounty.org planningdept@mariposacounty.org

To the Applicant:
Please review this information PRIOR to applying as there are necessary information and materials that are needed for submission. In addition, general information is provided relating to costs and the processing.

General Information and Instructions:
When preparing the application, it is important to provide as much detail and information as possible. For the application to be considered complete, all the items listed in the "Required Materials and Items" section must be submitted along with appropriate fees.

Applicants are to apply on-line or in person.

For the purposes of this information, we will be referring to Bed and Breakfast, Vacation Rentals, Agricultural Home Stays as Residential Transient Occupancy Tax (TOT) units or establishments.

TOTs are allowed in all zones, with the exception of the Agricultural Exclusive (AE) zone where they are allowed with an onsite manager. Only two TOT units are allowed per parcel, irrespective of the number of single-family residences located on the parcel. Special provisions apply to these uses in the communities of Wawona and Fish Camp, and in the AE zone. An Agricultural Homestay is a permitted use in the AE zone, subject to compliance with development standards established by the zone. (Please note: TOT units are not permitted on Williamson Act contracted land, due to the terms of the contract.)

A Bed and Breakfast is defined as a single-family structure that is occupied by a full time, permanent resident family with a limited number of guest bedrooms available for rent for 30 days or less. Breakfast is prepared each day for guests in a kitchen appropriately permitted by the Health Department. There is a limit of ten (10) or fewer occupants and five (5) bedrooms which may be occupied by transients. Private on-site sewage disposal systems or small, private community systems that serve a bed and breakfast or vacation rental facility shall have sufficient capacity to serve 10 occupants within the facility. If such a system does not meet this design standard, the facility shall be limited to occupancy of two (2) persons per approved bedroom. Occupancy may not exceed the capacity of the sewage disposal system.

A Residential Vacation Rental establishment is defined as a single-family structure which is available for rental to a family or a group on a transient basis for 30 days or less. A Vacation Rental is also defined as the commercial rental of an entire single-family dwelling for short-term periods of less than thirty-one days. There isa limit of ten (10) or fewer occupants and three (3) bedrooms which may be occupied by transients. Private on-site sewage disposal systems or small, private community systems that serve a bed and breakfast or vacation rental facility shall have sufficient capacity to serve 10 occupants within the facility. If such a system does not meet this design standard, the facility shall be limited to occupancy of two (2) persons per approved bedroom.
An Agricultural Homestay is a business that provides overnight transient occupancy accommodations in five (5) or fewer guest rooms with not more than ten (10) guests. An Agricultural Homestay may serve meals at any time only to registered guests in a kitchen appropriately permitted by the Health Department. Guests are

educated about and actively participate in the on-site agricultural activities. Agricultural homestays are located in the residence of the property owner or accessory dwelling or other existing dwelling.

Tourist rental accommodations which do not fall within any of the descriptions above require a zoning designation other than residential or agricultural, and typically must undergo a discretionary permitting process.

Transient Occupancy Tax (TOT) & Tourism Business Industry District (TBID) Assessment
For the privilege of occupancy in any Transient Occupancy Facility in Mariposa County (including all of those facilities listed above), each transient (guest staying less than 30 consecutive days) is subject to and shall pay a **tax** in the amount of twelve percent (12%) of the rent charged by the operator. In addition, there is a one percent (1.5%) **assessment** for the Tourism Business Industry District.

Each operator shall collect the tax and the assessment at the same time as the rent is collected and give the transient an itemized receipt. The operator is collecting the tax and assessment on **behalf of Mariposa County** and these funds shall be kept separate and remitted on a **monthly basis** to the Mariposa County Tax Collector's office.

Any person, whether as the principal, agent or employee who violates any of the provisions established by the Mariposa County Code Chapter 3.36 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000), plus assessment on fines or by imprisonment, not to exceed six (6) months, or by both fine and imprisonment.

Failure to Obtain Certificate and Pay Taxes

Should an operator fail to obtain a Transient Occupancy Tax (TOT) Certificate prior to renting to transients, and fail to pay taxes as due according to Mariposa County Code Chapter 3.36, the operator shall be subject to a penalty as determined by the Tax Collector pursuant to County Code.

Filing of Business Property Statement

Please be advised that each January the Assessor's office sends Business Property Statements to those who operate businesses in the county (including TOT facilities). This statement is needed so that you can report the type of business property that you own and information about your business.For questions, please contact the Mariposa County Tax Assessor's Office, Business Property Division at 209- 966-2332.

Application Process

Use the INSPECTION REQUIRED application process when:

- A property is requesting a new TOT. All current County Code development standards for a TOT will be applied through this review. If a property with an existing and permitted TOT changes ownership, the existing TOT Certificate becomes void and a new application, with full fees and inspections are required. All current County Code development standards for a TOT will be applied through this review.

- A property with an existing and permitted TOTs that proposes to increase rooms, occupancy and or bedroom count are required to apply for new application with full fees and inspections. All current County Code development standards shall be limited to impacts associated with the additional capacity. Upon approval, the existing TOT certificate will be amended to reflect the change.

- A property with an existing and permitted TOT is in escrow. Application can be submitted with the current owner (seller) being listed as the owner and the buyer being listed as the applicant. Both the current owner and the applicant will need to sign the application authorization. The application can be processed through the regular processing; however, approvals will be held until escrow has closed

and the new deed has recorded. Upon approval the old TOT certificate will be voided and a new one issued.

REQUIREMENT: Applicant must complete their portion of the required TOT Assessor Property Characteristics form and submit to the Assessor's office in person or via email at propinfo@mariposacounty.org PRIOR to turning in the application to Planning. The Assessor's office will complete their portion of the form and send to Code Compliance. Code Compliance will either approve the property for processing and send an email to the applicant that the application can be processed OR they will email to the applicant that the application cannot be processed and will provide the reason and or remedy.

Use the NO INSPECTION application process when:

- An existing Hotel or Motel needs a change to their existing certificate.
- A property is transferred into or within a trust (with the Trustor(s) being the same as the principal owners of the property in which has a existing TOT Certificate), the existing TOT Certificate becomes void and must be amended to reflect the correct ownership name. This process has a smaller fee and no new development standards shall be applied.
- A property is transferred between parents and their children, as defined by California Revenue and TaxCode, the existing TOT Certificate becomes void and must be amended to reflect the correct ownership name. This process has a smaller fee and no new development standards shall be applied.

County Inspections and or Review:

When you have submitted a complete application for a TOT, Mariposa Planning will begin reviewing and processing your application. The applicant will receive an opening instruction letter which will guide them on who to contract for inspections. As part of the review process, the Building Department, Fire Department and Planning Department must inspect the residence. The Health Department will review and verify Health Department requirements and inspect as needed. Depending upon the location of your project, a Yosemite National Park review may also be required. Public Works review encroachments and reviews the parking for smaller parcels which may or may not be located in the following areas: Ponderosa Basin, Mariposa Pines, Yosemite West, Town, Wawona to ensure that the parking is completely on site and does not interfere with roadways.

Building and Fire Department Inspection:

The Building Department and the Fire Department will inspect the residence to determine if the residence complies with the Residential Safety Checklist for TOT. The inspector may require correctionsto bring the residence into compliance with the checklist, and all corrections must be made before Mariposa Planning will approve the application. If re-inspection is required, you may be subject to re-inspection fees.

A note on Mobile Homes: A mobile home may not be altered in any way from its original "as delivered" condition, unless done through a permitting process with California Housing and Community Development (HCD). For a mobile home that will require repairs/alterations to the structure which are necessary in order for the mobile home to pass the residential safety checklist inspection, a permit must be obtained from HCD for the repairs/alterations. Once HCD has completed their processing of that repair/alternation permit then the Building Department would be able to complete the inspection process. Mobile homes cannot be pre-1976, unless they've completed a process with HCD to comply with the seal standards of the US Department of Housing and Urban Development or equivalent standards established by the HCD. Mariposa County Code prohibits the issuance of a TOT Certificate to a mobile home located within a mobile home park.

The applicant or agent must be available on-site during these inspections as access to the interior of the structure is required.

Health Department Inspection/Review:

The Health Department will require that the operator demonstrate the adequacy of the sewage disposal system and water supply. The Health Department may require sewage disposal system and water tests to determineif the sewage disposal system and well or spring water meet health standards for TOT or Amended TOT. No inspection is needed for TOTs in areas that have community sewer and community water systems. The residence shall be serviced by an approved community sewage disposal system or have an individual system satisfying current code requirements. Existing and newly constructed individual systems shall meet the current sizing requirements of the Health Department for new dwellings based on the number of bedrooms in the dwelling, or the system shall be designed to serve the planned number of occupants. Septic systems serving homes constructed in 1985 or before may be required to be upgraded when the home is being converted to TOT use.

The Health Department will require that all TOT establishments have a food facility permit and will conduct periodic inspections for compliance with applicable sections of the California Health and Safety Code (a copy of which will be provided upon request from the Health Department). B&B establishments may serve food to their *overnight guests only*, and the food service is limited to a morning meal. Agricultural Homestays are also limited to serving food to their *overnight guests only*, however these facilities may serve meals at any time to their guests. In addition, if meals will be served as part of an operation, the applicant must demonstrate to the Health Department how multi-service eating utensils will be cleaned in accordance with State Health Regulations.

If you have any questions regarding these requirements or would like a food facility permit as well as a pamphlet providing an overview of Mariposa County and State of California requirements, please contact the Health Department at (209) 966-2220. The applicant or agent must be available on-site during inspection as access to the interior of the structure is required.

National Park Service Review:

If the site for a TOT facility is in Wawona or Foresta, Mariposa Planning will send a copy of the application to the Superintendent's office at Yosemite National Park (YNP) for a 21-day review. If the site is in Wawona, as a result of an Act of Congress, the County and Superintendent have concurrent jurisdiction for permitting. This means your permit must be approved by both the County and the National Park Service. Permits in Wawona are not valid until approved by both agencies. Decisions of the County or the Superintendent can be appealed to the Wawona Board of Appeals (not the Board of Supervisors). Although YNP does not have the same concurrent jurisdiction in Foresta an application is still subject to YNP review,and applicable laws and regulations, which may preclude the operation of some commercial establishments, orrequire additional YNP review and/or permit processes. In both of these communities, generally TOTs that meet other County requirements may be approved because the *use* of the property is similar to full time residential use in that a family or a group is the only occupant. Because of Park Service contractual restrictions and regulatory requirements, B&B applications in these communities (Wawona and Foresta) are not possible on residentially-zoned lands because the *use* is of a commercial or business nature, in effect, a small scale motel and restaurant. Vacation Rentals are not permitted at the El Portal Administrative site due to the terms and provisions between the Park Service (property owner) and leaseholders. The Park Service cannot authorize commercial, or business uses within the park except in accordance with federal regulations.

Planning Department Inspection:

Lastly, Mariposa Planning will inspect the residence to ensure all requirements on the Planning Checklist have been met. All required signs and parking must be in place prior to inspection. This inspection will be completed after all other approvals have been obtained (approvals from the Building, Fire, Health Departments, Public Works and National Parks Service, if applicable). If the property needs re-inspection you may be subject to re-inspection fees and additional mileage charges. Once all of the agencies have approved your application, an approval letter from the Planning Department and a TOT Certificate from the Tax Collector will be sent to you. These two documents constitute the final approval to operate your residence as a TOT unit provided that all

code and certificate requirements are complied with at all times in the future.

For informational purposes, please find the attached Building, Fire and Health Departments requirements, and the Zoning Ordinance standards that regulate these establishments (including amended establishments). Please contact Mariposa Planning at (209) 966-5151 if you should have any questions on the requirements or on the processing of the application, or for information regarding processing of an application for other types of rental facilities.

Building, Fire and Planning Inspection checklists have been provided here for your convenience as well as additional information from the Environmental Health Department. There is no need for you to complete these checklists, they are provided for you so that you are aware of the items that these departments will be reviewing.

Application Fees:

The fee for processing a TOTdepends on the area in which the property is located. Mariposa Planning also collects fees for other departments (Building, Health and Public Works). County Fire fees may be charged to each applicant individually by the County Fire Department. It should be noted that in Fish Camp affected property owner noticing fees are also collected. The Mariposa County Planning Department will invoice you for application fees after your application has been submitted.

Nuisance Provisions:

Mariposa County Code requires that the use of property for TOT purposes shallnot be detrimental to the area by reason of appearance, traffic, noise, dust, smoke, or odor. Operations which are in violation of these provisions may be subject to code compliance actions

Annual Owner Confirmation:

Mariposa County Code requires that, on a yearly basis, by the 30th day of April, the owner or manager of a TOT establishment shall provide to the Planning Department on a County – approved form confirmation that the establishment complies with the following:

1. Smoke alarms and CO detectors are in working condition with fresh batteries.
2. Fire extinguishers are adequately charged.
3. The structure and any improvements or modifications were constructed under appropriate building permits or permits from the CA Housing and Community Development Department (for mobile homes).
4. The facility remains compliant with the residential transient occupancy safety checklist in effect at the time the transient occupancy registration certificate was issued.

Failure of a landowner or manager to maintain their TOT facilities in compliance with the conditions and requirements of County Code is a violation and may result in the rescinding of the TOT Certificate.

Public Noticing in Fish Camp:

If the project site is in the community of Fish Camp, property owners within 600 feet of the project site of a <u>new</u> proposed TOT are mailed a “Notice of Proposed Bed & Breakfast / Vacation Rental,” and the site is posted. If more than 50% of noticed property owners protest the new proposed B&B / Vacation Rental, then the project shall require a Conditional Use Permit.

For those applications in Fish Camp where property ownership of an existing established approved TOT has changed, an application for a new TOT Certificate is required (and subject to review as described within this application); however, no surrounding property owner noticing is required. For those facilities where the business has not operated within the past year, an application is reviewed and processed as a new proposed TOT, including surrounding property owner notification.

For those applications in Fish Camp which propose to add an additional room or rooms to an approved operating TOT, an amended TOT Certificate with inspection is required (and subject to review as described within this application); however, no surrounding property owner noticing is required.

For Wawona or Fish Camp standards, please see the Town Planning Area Specific Plan, call the Planning Department at 966-5151, or see http://ca-mariposacounty.civicplus.com/index.aspx?NID=716

BED & BREAKFAST / VACATION RENTAL / AGRICULTURAL HOMESTAYREQUIREMENTS, SITE PLAN & FLOOR PLAN CHECKLIST WHEN INSPECTION IS REQUIRED

1. Property Characteristics completed, dated by the County Assessor's office and approved by Code Compliance for processing.

2. Complete the on-line application. If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to apply on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all other individuals who have an interest in the property.

Site plan and floor plan should accurately and neatly show all the required information:

3. Site Plan to show parcel boundary drawn to scale.

   - Footprint and dimensions of the house(s) drawn to scale in its/their location on the property along with the physical address (es).
   - Access road(s) adjacent to or providing access to, the parcel.
   - The driveway from the access road to the dwelling.
   - If a garage is on-site, then location and dimensions must be shown.
   - Show existing and proposed parking spaces on the property. Parking Spaces must be dimensioned and drawn to scale and show the turning around area, if needed. Parking spaces must be on site (except in the community of Yosemite West) and be 10' x 20' in size. Bed and Breakfast establishments and Agricultural Homestays require two (2) spaces for the dwelling, and one (1) space for each bedroom to be rented. Vacation Rentals require one (1) space for each bedroom to be rented.
   - Show location of existing well or spring and septic system (including tank and leach lines) on the property.

4. Floor Plan with dimensions of each room, rooms labeled, and bedrooms numbered.

5. The Planning Department will calculate and invoice you for fees upon application submittal. If you would like an estimate of fees PRIOR to the submittal of your application, please contact the Planning Department or see Application Fee chart for general information.

   Additional fees may be charged by other agencies or county offices, depending on the type of application.

Office of the Assessor
Vacation Rental/Bed & Breakfast
Request for Property Characteristics

(Pursuant to Revenue & Tax Code §408.3

Important: This form is to be completed by the applicant, owner or agent and then submitted to the Assessor's office via online submission located on the Planning Department website at https://www.mariposacounty.org/80/Planning or email the completed form to propinfo@mariposacounty.org. Upon receipt of completed form, the Assessor will send a report of all assessed improvements to the Code Compliance Department. Code compliance will review to determine if County records agree with information provided by the owner and email results to the Planning Department. The Planning Department will the inform the owner whether the property is eligible for a vacation rental certificate.

This form must be completed in full. Incomplete forms will not be processed.

Assessor's Parcel Number (APN):	Property Address:
Owner Name:	Community:
Name of Person Requesting Information:	Contact Telephone No:
Email:	Date:

Proposed Vacation Rental Information:

☐ New Application ☐ Amend TOT Certification (check one)

☐ Vacation Rental ☐ Bed & Breakfast (check one)

Sq. Ft. of Proposed Dwelling/Structure _____ Number of Dwellings on Property _____

Total Number of Rooms _____ Total Number of Bedrooms _____ Total Number of Bathrooms _____

Notice: Pursuant to Revenue and Taxation Code §408.3, neither the County of Mariposa nor the Mariposa County Assessor shall incur any liability for errors, omissions, defects, or approximations with respect to property characteristics or any other information provided by the Assessor pursuant to the provisions of the section. Information provided by the Assessor will include records of all assessable improvements discovered and valued by the Assessor. There may be improvements that are unknown to the Assessor. **Assessed improvements may not have been permitted by the Building Department.** For information on permitted structures please contact the Mariposa County Building Department at 209-966-3934.

Note: Structures/Dwellings that contain unpermitted square footage may not be eligible for consideration for a vacation rental certificate.

Applicant Email Phone Number Date

Planning Department - Bed & Breakfast, Vacation Rental or Agricultural Homestay Certificate Inspection Checklist

(Pursuant to Mariposa County Code §17.108.180)

Date Scheduled:		**VR/B&B:**	
Owner:		**Business name/ Contact:**	
APN:		**Address:**	
Zoning:		**Application Number:**	

Number of bedrooms requested: _____

Number of bedrooms approved: _____

Number of occupants requested: _____

Number of occupants approved: _____

Parking spaces provided on site plan: _____

Parking spaces provided at site: _____

Residence type: (i.e. duplex, SFD) _____

Photos taken & attached: _____

Address posted at nearest road: _____

Business name/sign posted: _____

Comments: _____

_____

_____

_____

Required signage-

1. Occupancy sign VR & B&B Requirement	**2. Exterior Sign** VR Requirement
☐ Over or next to primary exit door ☐ 8 ½ by 11-inch minimum size ☐ Lettering clearly visible & minimum height/width of 1 ½ inches ☐ States "Maximum Occupancy ___ Persons" (as approved by Environmental Health)	☐ At or near main entrance to VR (visible from exterior of structure) ☐ 5 by 7-inch minimum size ☐ Contains: name & phone number of property owner or rental manager

3. Interior Notice

VR & B&B Requirement

☐ In main living area
☐ 8 ½ by 11-inch minimum size
☐ Contains the following information:

- Instructions in case of fire or other emergency, including the name and phone number of the property owner or rental manager.
- Quiet hours are between 10:00 p.m. and 8:00 a.m. and shall be strictly enforced.
- Water and energy conservation measures.
- Proper use of wood burning stoves and fireplaces.
- Parking and snow removal requirements, if necessary. No parking on roadway is permitted during snow removal periods declared by the Director of Public Works, pursuant to County Code, Section 10.08.110.
- An identification of the character or area in which the unit is located (i.e. rural, agricultural, residential).
- A statement relative to respect for adjacent property owner's rights and trespassing concerns.
- Proper trash disposal, and bear prevention/control measures if applicable (Wawona, Fish Camp and Yosemite West require bear prevention/control measure for trash disposal in accordance with Chapter 8.44 of County Code).

Inspected: _____ _____ _____

Print Name Signature Date

Approved ☐ Not Approved ☐

Comments: _____

Mariposa County Building Department
Mike Kinslow, Building Director
5100 Bullion St., P.O. Box 1268, Mariposa, CA 95338
Phone (209)966-3934 Fax (209)742-5024

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.

Mariposa County Building Department
Mike Kinslow, Building Director
5100 Bullion St., P.O. Box 1268, Mariposa, CA 95338
Phone (209)966-3934 Fax (209)742-5024

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 floor 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.

R105.2 Work exempt from 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 120 square feet (*11.15* m^2).
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 m^2) 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.

Transient Rental/Bed & Breakfast (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 not be approved until the discrepancies are resolved with the Building Department. 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 ¾ 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 though, 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.

[ ] **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

Observation Date _____ ☐Pass ☐ Fail Inspector Initials ____

Observation Date _____ ☐Pass ☐ Fail Inspector Initials ____

MIKE VAN LOBEN SELS
Fire Chief
(209) 966-3622

MARIPOSA COUNTY
FIRE DEPARTMENT
P.O. Box 162
Mariposa, CA 95338
Telephone: 209-966-4330 Fax: 209-966-0252

STEVE WARD
Division Chief
(209) 966-4330

Neighbors Helping Neighbors In cooperation with CAL FIRE

Transient Rental Application (FIRE) 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.
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.

Must provide this inspection paper day of inspection for inspector to fill out. If no paper is present at inspection, then inspection will need to be rescheduled.

An X mark stands for Failed
An ✔ mark stands for Passed

RESIDENCE SAFETY ITEMS

1st 2nd 3rd

[ ] [ ] [ ] Posted Address: Address numbers are required to be reflective and plainly visible from street and a minimum of four inches tall with a 1/2-inch stroke. (CFC 505.1)

[ ] [ ] [ ] Fire Extinguishers: All fire extinguishers shall comply with the following:

1. At least one (1) extinguisher of minimum 2-A 10-BC shall be provided for each building or occupancy.
2. Extinguishers shall be mounted no higher than five (5) feet and no lower than (3) feet.
3. Extinguishers shall be underwriter laboratory or fire marshal listed or approved by the State Fire Marshal.
4. All extinguishers shall be conspicuously located, readily available, plainly marked or labeled and near the kitchen.
5. Extinguishers shall be located so that travel distance shall not exceed 75 feet. Additional extinguishers shall be near Fireplace, Barbecue and/or Fire Pit area.
6. Extinguishers shall be of a serviceable type with metal neck and valve. Disposable extinguishers with plastic hardware will not be acceptable. If extinguishers do not have date stamped on bottle, they shall be tagged by a licensed firm. (CFC 906)

[ ] [ ] [ ] Posted Fire Escape Routes: Each unit shall have a laminated notice (8 ½ x 11-inch minimum size) posted that identifies escape routes from the structure in a visible location in each sleeping room. (CFC 404)

[ ] [ ] [ ] Smoke Detectors: Guest rooms that are used for sleeping purposes and rooms leading to the guest rooms shall be provided with smoke detectors that are installed in accordance with the approved manufacturer's instructions (one for each floor level). (CFC 907)

[ ] [ ] [ ] **C O Detectors:** Each floor shall be provided with Carbon Monoxide detectors that are installed in accordance with the approved manufacturer's instructions. (CFC 907)

[ ] [ ] [ ] **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). (CFC 308)

[ ] [ ] [ ] **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. (CFC 308)

[ ] [ ] [ ] **Bedroom Emergency Escape**: All bedrooms must have two exits. If one is a window, the sill must be not higher than 44" above the floor. The open area of the window must be at lease 5.7 square feet with a minimum open height of 24" and minimum width of 20". Window bars, grills or grating are not permitted. (CFC 404)

[ ] [ ] [ ] **Defensible Space:** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270. (CFC 4907)

[ ] [ ] [ ] **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 Fire Department.

Inspector Notes:

Property Representative Signature if present:

Observation Result

1st Observation Date _____ ☐ Pass ☐ Fail Inspector Signature _____

2nd Observation Date _____ ☐ Pass ☐ Fail Inspector Signature _____

3rd Observation Date _____ ☐ Pass ☐ Fail Inspector Signature _____

"Putting our communities first, understanding they deserve nothing less!"

Mariposa County Health Department

Public Health Section
5085 Bullion Street
P.O.Box 5
Mariposa, California 95338
(209) 966-3689 FAX (209) 966-4929

Environmental Health Section
5100 Bullion Street
P.O.Box 5
Mariposa, California 95338
(209) 966-2220 FAX (209) 966-8248

The Mariposa County Health Department is charged with the responsibility for enforcement of laws and regulations relating to the construction, operation and maintenance of Restricted Food Service Transient Occupancy Establishments (Bed & Breakfasts & Ag Homestays). The Health Department has three main areas of concerns as follows:

I. FOOD SERVICE

A. B&B's serving only "continental–type" breakfasts (pre-packaged breakfast rolls, toast, coffee, juices, etc.) and using only single-use eating and drinking utensils will be required to have a food facility permit and be subject to annual inspections.

B. B&B's serving a full breakfast involving food preparation must have a food facility permit. Inspection frequency shall be at least twice annually. Additionally, those B&B's serving a full breakfast must have at least one person certified in food safety.

Existing utensil washing equipment (sinks, dishwashing machines) may be continued in use until replace, however, utensil sanitization must be accomplished in accordance with the Health and Safety Code.

II. SEWAGE DISPOSAL

Applicant must demonstrate that the sewage disposal system can adequately serve the propose project by:

A. Having the septic tank pumped by a septic tank pumper holding a valid Mariposa County Septic Pumpers Permit, and certified to be in good working condition at the time of pumping. Verification of adequacy of sewage system for maximum flows may be required;

Or

B. Provide documentation that the sewage disposal system was installed within the past three years and meets current standards, or at least have had the septic tank pumped within the past three years.

III. WATER SUPPLY

Applicant must provide results of current water analyses to demonstrate compliance with standards set for transient non-community water systems. A monitoring schedule is attached.

PLEASE CONTACT THE MARIPOSA COUNTY HEALTH DEPARTMENT AT (209) 966-2220 IF YOU HAVE ANY QUESTIONS.

Water Quality Monitoring Schedule
Transient Non-Community Systems
(Food Facilities and Bed and Breakfast Establishments)

Test for ALL chemicals prior to approval.
Once approved, test according to the following schedule:

Chemical - Section/Table	Maximum Containment Level (mg/L)	Frequency
Bacteriological Examination		Quarterly (4 times per year/once every 3 months)
Nitrate (Nitrogen)	10	Annual if < 1/2 MCL. Quarterly for 1 year if > 1/2 MCL then annual
Nitrite (as Nitrogen)	1	Once every 36 months if < 1/2 MCL. Quarterly for 1 year if > 1/2 MCL then annual
Fluoride	2.0 (varies)	Once
Iron	0.3	Once
Manganese	0.05	Once
pH	6.5 to 8.5	Once
Bicarbonate	N/A	Once
Carbonate	N/A	Once
Hydroxide Alkalinity	N/A	Once
Calcium	N/A	Once
Magnesium	N/A	Once
Sodium	N/A	Once
Total Hardness	N/A	Once
Specific Conductance	N/A	Once

NOTE: All water analyses are to be performed by laboratories certified by the State of California. A list of certified laboratories is available from the Mariposa County Health Department. Advise the laboratory to send copies of the lab reports to:

Mariposa County Health Department
Environmental Health
P.O. Box 5
Mariposa, CA 95338

Water samples which are found to contain coliform organisms are to be reported by the lab immediately to the Health Department at (209) 966-2220.

Water Quality Monitoring Schedule
Vacation Rentals- No Food Service

Chemical – Section/Table	Maximum Contaminant Level (mg/L)	Frequency
Nitrate (Nitrogen)	10	1 time only Depending on results additional testing may be required Sample must be no more than 1 year old
Bacteriological Examination		1 time only provided sample is free of bacteria Sample must be no more than 90 days old

Note: All water analyses are to be performed by laboratories certified by the State of California. A list of certified laboratories is available from the Mariposa County Health Department. Advise the laboratory to send copies of lab reports to:

Mariposa County Health Department
Environmental Health
Post Office Box 5
Mariposa, CA 95338

Water samples which are found to contain coliform organisms are to be reported by the lab immediately to the Health Department at (209) 966-2220.

Partial List of Water Labs
and/or companies that provide water testing services

Contact lab or testing company for sample bottle requirements

TWINING LABORATORIES
2527 Fresno Street
Fresno, CA 93721
559-268-7021

YOSEMITE FALLS PUMP SERVICE
Post Office Box 96
Midpines, CA 95345
209-966-2783

MARIPOSA PUBLIC UTILITY DIST. (MPUD)
Post Office Box 494
Mariposa, CA 95338
209-966-2515

YOSEMITE FALLS WELL DRILLING
Post Office Box 1808
Mariposa, CA 95338
209-966-4461
yosemitefalls@sti.net

A & L LABORATORIES
1311 Woodland Ave. Suite 1
Modesto, CA 95351
209-529-4080

BSK LABORATORIES
1414 Stanislaus
Fresno, CA 93706
559-497-2888

FRESNO COUNTY PUBLIC HEALTH LAB
1221 Fulton Mall
Fresno, CA 93721
559-445-3407

The Mariposa County Health Department provides this partial list as a service only.
This is not a recommendation for any firm, whether listed or not.

Mariposa County Environmental Health

5100 Bullion Street
Post Office Box 5
Mariposa, California 95338
(209) 966-2220 FAX (209) 966-8248

SEPTIC PUMPERS

Mariposa Portable Sanitation
4054 Silver Bar Rd.
Mariposa, CA 95338
209-966-3438

Bio-Tech & Tri-County Septic
40459 Highway 41 Suite 1
Oakhurst, CA 93644
559-642-0490

El Dorado Septic Service
Post Office Box 488
Soulsbyville, CA 95372
209-586-1623
Serving parts of Mariposa County

Foothill Sanitary
3566 Spangler Ln. #5
Copperopolis, CA 95228
(209)785-6160
Serving All of Mariposa County

Strong Septic
3249 Highway 49 South
Mariposa, CA 95338
209-966-7474

Big Oak Septic
37130 Mudge Ranch Road
Coarsegold, CA 93614
559-683-7707

Mother Lode Septic, Inc.
10656 Horseshoe Bend Road
Sonora, CA 95370
209-533-1950

The Mariposa County Environmental Health Unit provides this partial list as a service only. This is not a recommendation for any firm, whether listed or not.