

Footnotes:

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Editor's note— Ordinance No. 950-2017, § 1, adopted January 17, 2017, amended ch. 15.08 in its entirety, save and except § 15.08.060 to read as herein set out. Former 15.08.010—15.08.070 pertained to similar subject matter and derived from Ordinance No. 786, § 1(part), adopted 2003; and Ordinance No. 838, §§ 1—3, adopted 2008; and Ordinance No. 870-2010 § 1, adopted January 18, 2011; and Ord. No. 925-2014, adopted July 21, 2014.

State Law reference— City building department required to enforce state building standards code, state housing law, and other rules and regulations promulgated pursuant to them, Health and Safety Code § 17960.

Sec. 15.08.010. - Codes adopted.

The following codes, including their appendices unless otherwise provided, (hereinafter collectively referred to as the "codes") are adopted for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all building or structures; regulating the design, construction, quality of materials erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilation, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances and plumbing systems in the city; providing for the issuance of permits and collection of fees therefor; and providing for penalties for the violation thereof. A copy of each of the codes has been filed, and shall remain on file, in the office of the city building official for public inspection, and the codes are adopted with the same full force and effect as though set out herein. The city adopts the following codes by this reference, as amended by this chapter:

- (1) The California Standards Administrative Code, 2019 Edition (Part 1, Title 24, California Code of Regulations);
- (2) The California Building Code, 2019 Edition (Part 2, Title 24, California Code of Regulations) (but only Appendices B, C, F, G, H, I, J);
- (3) The California Residential Code, 2019 Edition (Part 2.5, Title 24, California Code of Regulations) (but only appendices A, B, C, D, E, G, H, I, J, K, N, O, P, Q);
- (4) The California Electrical Code, 2019 Edition (Part 3, Title 24, California Code of Regulations);
- (5) The California Mechanical Code, 2019 Edition (Part 4, Title 24, California Code of Regulations);
- (6) The California Plumbing Code, 2019 Edition (Part 5, Title 24, California Code of Regulations);
- (7) The California Energy Code, 2019 Edition (Part 6, Title 24, California Code of Regulations);
- (8) The California Historical Building Code, 2019 Edition (Part 8, Title 24, California Code of Regulations);
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The California Existing Building Code, 2019 Edition (Part 10, Title 24, California Code of Regulations);

(10) The California Green Building Standards Code, 2019 Edition (Part 11, California Code of Regulations), (excluding Appendix Chapters A4 and A5);

(11) The California Referenced Standards Code, 2019 Edition (Part 12, Title 24, California Code of Regulations);

(12) The Uniform Administrative Code, 1997 Edition (Chapter 3 - Permits and Inspections).

(Code 1969, § 15.08.010; Ord. No. 870-2010, § 1, 1-18-2011; Ord. No. 925-2014, § 1, 7-21-2014; Ord. No. 950-2017, § 1, 1-17-2017; Ord. No. 964-2019, § 1, 12-2-2019; Ord. No. 1021-2023, § 1, 12-18-2023)

Sec. 15.08.020. - Building code amendments.

(a) Chapter 1, Section 109.2 of the California Building Code is amended to read as follow:

Section 109.2.1 - Exemption

The City, County, State, Federal Government, School Districts and Barstow Fire Protection District are exempt from paying fees.

(b) Sections 105.2 and 105.2 #4 of the California Building Code are amended to read:

Block walls (garden walls) that are not over 3 feet in height measured from the top of footing to the top of the wall.

Retaining walls of any height require a building permit.

(Ord. No. 950-2017, § 1, 1-17-2017; Ord. No. 964-2019, § 1, 12-2-2019; Ord. No. 1021-2023, § 1, 12-18-2023)

Sec. 15.08.030. - Green building code amendments.

(a) Section 4.408.2 of the Green Building Standards Code is amended by adding Section 4.408.2(6)- Waste Management Plan Application and shall read as follows:

Section 4.408.2(6) - Waste Management Plan Application

A Waste Management Plan Application from the City of Barstow shall be completed with each applicable building permit application.

(Ord. No. 950-2017, § 1, 1-17-2017; Ord. No. 964-2019, § 1, 12-2-2019; Ord. No. 1021-2023, § 1, 12-18-2023)

Sec. 15.08.040. - Residential building code amendments.

(a) A new section AG101.1.1 is hereby added to Appendix chapter G (Swimming Pools, Spas and Hot Tubs) of the Residential Building Code and shall read as follows:

Section AG101.1.1 - Swimming Pools, Spas and Hot Tubs

- (1) Equipment shall be so installed as to provide ready accessibility for cleaning, operating maintenance, and servicing.
 - (2) Any swimming pool constructed after the effective date of the requirements set forth in this section shall be constructed so that there are at least five feet between the swimming pool and:
 - a. The main building.
 - b. Any lot line.
 - c. Any building (including auxiliary buildings) unless the swimming pool is specially designed to maintain the structural integrity of the buildings or structure involved, even though they are within five feet of the pool.
 - (3) The owner of any swimming pool may request approval of modifications or variances from the fencing requirement by submitting to the building official written application, setting forth a description of the pool and an alternate safeguard or condition of the site by which entry into the swimming pool may be restricted or prevented. The building official may approve such alternate safeguard or obstruction upon finding that one of the following conditions exists:
 - a. That the physical conditions of the site would make the erection of a fence or wall impractical or purposeless:
 - b. That the proposed limitation of access or conditions of control thereof which would be continuously effective would accomplish the intent of the enclosure requirements; or
 - c. That the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the enclosure and/or safety features, which are required by the code.
- (b) Section AG105.2.1 (Barrier Requirements) of Appendix chapter G (Swimming Pools, Spas and Hot Tubs) of the Residential Building Code is amended as follows:
- The top of the barrier is to be 60 inches above grade. The remainder of the section remains the same.

(Ord. No. 950-2017, § 1, 1-17-2017; Ord. No. 964-2019, § 1, 12-2-2019)

Sec. 15.08.050. - Violations and penalties.

- (a) No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish equip. use, occupy or maintain any building or structure, plumbing or mechanical systems or equipment, or cause or permit the same to be done, in violation of the codes. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the codes is committed, contained or permitted.

- (b) No person, firm or corporation shall remove, deface, alter or obstruct from view a posted notice of the building official, or his or her authorized representative, when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of any building or structure, plumbing or mechanical systems or equipment regulated by the codes.
- (c) Every violation of the codes shall be deemed a misdemeanor, punishable as set forth in section 1.01.110 of this Code.

(Ord. No. 950-2017, § 1, 1-17-2017; Ord. No. 964-2019, § 1, 12-2-2019; Ord. No. 1021-2023, § 1, 12-18-2023)

Sec. 15.08.060. - Board of appeals.

- (a) *Established.* In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of this Code, there is created a board of appeals.
- (b) *Powers and duties.* The board of appeals shall:
 - (1) Hear and determine appeals from the rulings of the building official concerning any of the codes adopted by the ordinance codified in this chapter.
 - (2) Have the authority to approve the use of any material or method of construction not specifically prescribed by this Code, provided that the proposed design is satisfactory and that the material or method of work offered is for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety. Each approval of the use of an alternate material or method of construction shall be singular and shall not be applied as a modification of the regulations of this Code.
 - (3) Adopt reasonable rules and regulations for conducting its hearings and meetings; the rules shall be called the bylaws of the building board of appeals.
 - (4) In connection with hearing appeals from the rulings of the building official, the board shall render all findings of facts and decisions in writing. A copy of each of such findings and decisions shall be sent to the building official and the appellant.
 - (5) The decisions of the board of appeals may be appealed to the city council within ten days. The review by the city council of a decision of the board of appeals shall be based solely upon the administrative record as presented before the board of appeals. The review of the city council shall be limited to whether the findings of the city council are supported by the evidence. The decisions of the city council shall be final.
 - (6) Recommend to the city council any new legislation necessary or any change to existing regulations it deems necessary.
- (c) *Method of appeals.*
 - (1) Appeals shall be made and conducted as provided under state law.

- (2) Appeals from decisions of the building official shall be in writing on forms provided by the building division.
- (3) Each separate appeal shall be accompanied by a fee in an amount as established by the city council from time to time.
- (4) The board of appeals shall hear the appeal within ten working days after application has been filed with the building official and shall render their findings to the appellant in writing within five days after the hearing.

State Law reference— Local appeals board authorized by board of supervisors to hear appeals regarding building requirements of the city, Health and Safety Code § 17920.5.

Sec. 15.08.070. - Reserved.

Editor's note— Ord. No. 950-2017, § 1, adopted January 17, 2017, repealed § 15.08.070, which pertained to violations and penalties, and derived from Code 1969, § 15.08.050; Ord. No. 870-2010, § 1, 1-18-2011; Ord. No. 925-2014, § 1, 7-21-2014.