

ARTICLE 12. ADMINISTRATION

Rule 1. General Provisions

675 IAC 12-1-1 Definitions (Repealed)

Sec. 1. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-2 Legislative authority (Repealed)

Sec. 2. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-3 Title (Repealed)

Sec. 3. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-4 Purpose (Repealed)

Sec. 4. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-5 Standard statewide building code (Repealed)

Sec. 5. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-6 Classification of rules (Repealed)

Sec. 6 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-7 Applicability (Repealed)

Sec. 7. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-8 Application to existing buildings, structures and systems (Repealed)

Sec. 8. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*)

675 IAC 12-1-9 Alternate materials, methods and designs (Repealed)

Sec. 9. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-10 Interpretations (Repealed)

Sec. 10 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-11 Tests (Repealed)

Sec. 11. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-12 Appeals (Repealed)

Sec. 12. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-13 Variances (Repealed)

Sec. 13. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-14 Construction release (Repealed)

Sec. 14. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-15 Application for construction release (Repealed)

Sec. 15. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-16 Special releases (Repealed)

Sec. 16. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-17 Provisions of construction releases (Repealed)

Sec. 17. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document*

#87-53 was filed Jul 17, 1987.]

675 IAC 12-1-18 Enforcement (Repealed)

Sec. 18. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-19 Building permits (Repealed)

Sec. 19. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-20 Local plan review and permit issuance (Repealed)

Sec. 20. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-21 Local fees (Repealed)

Sec. 21. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-22 Inspection by local building officials (Repealed)

Sec. 22. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-23 Inspection and testing (Repealed)

Sec. 23. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

675 IAC 12-1-24 Certificate of occupancy (Repealed)

Sec. 24. *(Repealed by Fire Prevention and Building Safety Commission; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1009)*

675 IAC 12-1-25 Availability of rules (Repealed)

Sec. 25. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]*

Rule 1.1. General Provisions

675 IAC 12-1.1-1 Title; availability

Authority: IC 22-13-2-13

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. (a) This article shall be known as the general administrative rules for the Indiana fire and building services department.

(b) This article is available for purchase from the Fire and Building Services Department, 402 West Washington Street, Room 243, Indianapolis, Indiana 46204. *(Fire Prevention and Building Safety Commission; 675 IAC 12-1.1-1; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2681, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2081; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-1.1-2 Purpose

Authority: IC 22-13-2-13

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 2. The purpose of this article (675 IAC 12) is to provide for administrative procedures and general provisions for the Fire Prevention and Building Safety Commission, and the Fire and Building Services Department and its various offices and divisions. *(Fire Prevention and Building Safety Commission; 675 IAC 12-1.1-2; filed Jul 17, 1987, 2:30 pm: 10 IR 2681, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-1.1-3 Statutory authority

Authority: IC 22-13-2-13

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 3. Indiana Code Articles 22-11, 22-12, 22-13, 22-14 and 22-15 establish the authority, power and duties of the Fire Prevention and Building Safety Commission, and the Fire and Building Services Department and its various offices and divisions. *(Fire Prevention and Building Safety Commission; 675 IAC 12-1.1-3; filed Jul 17, 1987, 2:30 pm: 10 IR 2681, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-1.1-4 Definitions

Authority: IC 22-13-2-13

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 4. (a) The definitions in this section apply throughout all rules of the Commission (675 IAC).

(b) "Commission" refers to the Fire Prevention and Building Safety Commission as established by IC 22-12-2-1.

(c) "Department" refers to the Fire and Building Services Department as established by IC 22-12-5-1 *[IC 22-12-5 was repealed by P.L.22-2005, SECTION 56, effective April 15, 2005.]*

(d) "Executive director" refers to the executive director of the department appointed pursuant to IC 22-12-5-4 *[IC 22-12-5 was repealed by P.L.22-2005, SECTION 56, effective April 15, 2005.]*

(e) "Rules of the commission" means all rules, including documents incorporated by reference, which have been adopted by the Commission and are found in 675 IAC. As appropriate by the context, the term "rule of the Commission" means any applicable section or sections of a rule.

(f) "Secretary" refers to the Executive Director of the Department serving as secretary of the Commission pursuant to IC 22-12-5-4(c) *[IC 22-12-5 was repealed by P.L.22-2005, SECTION 56, effective April 15, 2005.]*

(g) All definitions found in IC 22-12-1 apply to all rules of the Commission except where the context requires otherwise. *(Fire Prevention and Building Safety Commission; 675 IAC 12-1.1-4; filed Jul 17, 1987, 2:30 pm: 10 IR 2681, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-1.1-5 Organization of the rules of the commission

Authority: IC 22-13-2-13

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 5. The rules of the commission are organized in Title 675 of the Indiana Administrative Code as follows:

- (1) Articles 1 through 11 Repealed.
- (2) Article 12 Administration.
- (3) Article 13 Building Codes.
- (4) Article 14 One and Two Family Dwelling Codes.
- (5) Article 15 Industrialized Building Systems.
- (6) Article 16 Plumbing Codes.
- (7) Article 17 Electrical Codes.
- (8) Article 18 Mechanical Codes.
- (9) Article 19 Energy Conservation Codes.
- (10) Article 20 Swimming Pool Codes.
- (11) Article 21 Safety Code for Elevators, Escalators, Manlifts, and Hoists.
- (12) Article 22 Fire Prevention Codes.
- (13) Article 23 Amusement Devices.
- (14) Article 24 Supplementary Fire Safety Rules.

(Fire Prevention and Building Safety Commission; 675 IAC 12-1.1-5; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2682, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2081; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

Rule 2. Approval of Local Building Rules and Regulations (Repealed)

(Repealed by Fire Prevention and Building Safety Commission; filed Feb 1, 1988, 2:19 pm: 11 IR 1794)

Rule 3. Fee Schedules

675 IAC 12-3-1 Availability (Repealed)

Sec. 1. *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:45 pm: 10 IR 2701, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-54 was filed Jul 17, 1987.]*

675 IAC 12-3-2 Schedule of fees for site built construction

Authority: IC 22-12-6-6

Affected: IC 22-15-3-2

Sec. 2. (a) Every application for construction design release (ACDR) required by 675 IAC 12-6 shall be accompanied by payment to the Fire and Building Services Fund in an amount prescribed in this section.

(b) The design release fees shall be as follows:

All Projects	Amount
Filing Fee	\$69
	plus
Processing Fee	\$69 minimum*
TOTAL	\$138 minimum*

*The minimum processing fee only applies where the categorical processing fee is less than \$69.

(c) The categorical processing fees shall be as follows:

Category A (Normal Occupancy): All buildings and structures not specifically listed in Categories B, C, D, and E. The fee is \$0.040 times the gross square feet of floor area.

Category B (Minimal Occupancy–Area related): Generating plants, livestock sales, hangars, open parking structures, truck

ADMINISTRATION

freight terminals, warehouses, refrigerated storage, and similar uses. The fee is \$0.020 times the gross square feet of floor area. Category C (Cost related): Remodeling and renovation (no additions). The fee is \$0.0020 times the construction cost. Not to exceed fees as specified for Categories A and B, calculated on the basis of the floor area of each affected story.

Category D (Minimal Occupancy–Cost related): Control towers, monuments, dust collectors, smoke stacks, towers, mausoleums, memorials, and similar uses, grain elevators, concrete or asphalt plants, bulk product processing plants, and other occupied high volume low area structures. The fee is \$0.0001 times the construction cost.

Category E (Minimal Occupancy–Volume related): Swimming pools. The fee is \$0.010 times the gross cubic feet.

Category F (Flammable Liquid or Gas Facilities): Each initial installation of one (1) or more bulk storage tanks, piping or dispensing equipment for Class I, II, IIIA, and IIIB liquids, liquefied petroleum (LP) gas, or liquefied natural gas (LNG) or replacement of such tanks or piping at the same location. The fee is \$40 each tank.

(d) The special processing fees shall be as follows:

<u>Special Processing Fees</u>	<u>Amount</u>
(1) Each additional submission for a partially filed project	\$115
(2) Surcharge for late filing of plans and specifications in accordance with 675 IAC 12-6-8(c) ²	\$69
(3) Foundation release	\$115
(4) Addenda and revisions, each system modified per submission (other than compliance corrections) ³	\$35
(5) Master plans, each series or structure	\$173
(6) Incomplete project filing (mailed submissions only) ⁴	\$12
(7) Returned checks	\$35
(8) Reinstatement or time extension of design release	\$23

Notes:

¹The regular filing and processing fees are paid with the initial submission of the ACDR.

²The surcharge fee, if not collected at the time the ACDR is filed, must be paid prior to issuance of any design release.

³Systems are architectural, structural, electrical, plumbing, mechanical (HVAC), and fire protection.

⁴Payable when missing documents are subsequently filed.

(e) The explanation of terms shall be as follows:

(1) Square footage (floor area) shall be determined by the outside dimensions of the building or structure. This shall include usable area under the horizontal projection of the roof or floor above such as porches, canopies, and balconies.

(2) Cubic footage (volume) shall be the gross volume of the building or structure as determined by the outside dimensions of the building or structure.

(3) Costs (construction) shall be the cost of the labor and materials required to perform the stated scope of construction. It need not include the cost of the land, interior furnishings, or processing equipment.

(f) The state building commissioner may authorize the refunding of any fee specified in this section which was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-2; filed Jan 29, 1986, 3:00 p.m.: 9 IR 1363, eff Mar 1, 1986; filed Feb 17, 1987, 3:15 p.m.: 10 IR 1386, eff Mar 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #86-152 was filed Feb 17, 1987.]; filed Jul 17, 1987, 2:45 p.m.: 10 IR 2700, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-54 was filed Jul 17, 1987.]; filed Jun 3, 1988, 2:15 p.m.: 11 IR 3555, eff Aug 1, 1988; filed Sep 27, 1989, 4:30 p.m.: 13 IR 294; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2285; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2731*)

675 IAC 12-3-3 Fireworks display permit fee

Authority: IC 22-11-14-2; IC 22-12-6-6

Affected: IC 22-12-6

Sec. 3. An application for a permit to conduct a supervised public display of fireworks shall be accompanied by payment to the Fire and Building Services Fund in the amount of sixty-nine dollars (\$69) for each such permit. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-3; filed Jan 29, 1986, 3:00 p.m.: 9 IR 1364, eff Mar 1, 1986; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2234; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2286; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.:*

25 IR 2732)

675 IAC 12-3-4 Variance application fees

Authority: IC 22-12-6-6
 Affected: IC 22-13-2-11

Sec. 4. (a) Every application for a variance from the rules of the commission shall be accompanied by payment to the Fire and Building Services Fund in an amount as follows:

Variance application filing fee:	\$138
plus	
Plan examination and processing fee:	
Single code provision	\$138
Each additional unrelated code provision	\$69

(b) As used in this section, “unrelated code provision” means a provision of an adopted code or standard that covers subject matter that is not contingent upon or directly affecting the requirements of a different code provision for which a variance is being sought by the same applicant at the same time. *(Fire Prevention and Building Safety Commission; 675 IAC 12-3-4; filed Jul 17, 1987, 2:45 p.m.: 10 IR 2701, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-54 was filed Jul 17, 1987.]; filed Jun 3, 1988, 2:15 p.m.: 11 IR 3556, eff Aug 1, 1988; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2234; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2286; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2732)*

675 IAC 12-3-5 Explosive magazine permit fee

Authority: IC 22-12-6-6
 Affected: IC 22-14-4-4; IC 22-14-4-5

Sec. 5. (a) An application for issuance of a regulated explosive magazine permit shall be accompanied by payment to the Fire and Building Services Fund in an amount as follows:

Type 1, 4, or 5	each \$138
Type 2, 3, or indoor	each \$69

(b) An application to annually renew a regulated explosive magazine permit shall be accompanied by payment to the Fire and Building Services Fund in an amount as follows:

Type 1, 4, or 5	each \$69
Type 2, 3, or indoor	each \$35

(Fire Prevention and Building Safety Commission; 675 IAC 12-3-5; filed Feb 1, 1988, 2:16 p.m.: 11 IR 1789; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2235; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2286; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2733)

675 IAC 12-3-6 Construction inspection fees

Authority: IC 22-12-6-6; IC 22-13-2-13
 Affected: IC 22-15-2-6

Sec. 6. (a) This section applies to any Class 1 building or structure, for which a design release is required under 675 IAC 12-6, and is located within the jurisdiction of a political subdivision that has not established a program to periodically inspect, or cause to be inspected, construction as determined under 675 IAC 12-10-9.

(b) The fees collected under section 2 of this rule for a design release shall be increased by one (1) of the following amounts, whichever is greater:

- (1) Eighty dollars (\$80).
- (2) One-half (½) of the categorical processing fee, but not more than seven hundred fifty dollars (\$750).

(Fire Prevention and Building Safety Commission; 675 IAC 12-3-6; filed Feb 1, 1988, 2:18 p.m.: 11 IR 1795, eff Apr 1, 1988; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2081; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2733)

675 IAC 12-3-7 Statewide fire and building safety education fund

Authority: IC 22-12-6-6
 Affected: IC 22-12-6-3

Sec. 7. This section applies to design release fees as established in section 2 of this rule. For each design release issued, twelve dollars (\$12) of the filing fee is designated for deposit in the statewide fire and building safety education fund established in IC 22-12-6-3. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-7; filed Sep 27, 1989, 4:30 p.m.: 13 IR 295; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2733*)

675 IAC 12-3-8 Amusement and entertainment permit and inspection fees

Authority: IC 22-12-6-7
 Affected: IC 22-12-6; IC 22-14-3-4

Sec. 8. (a) An application for issuance of a permit for a regulated place of amusement or entertainment shall be accompanied by payment to the fire and building services fund in an amount as follows:

(1) Category A: Places where the occupant load is based entirely on fixed seating capacity and all planned amusement or entertainment activity utilizes a single floor plan described in 675 IAC 12-9-3(a)(2). Examples are theaters and auditoriums.

<u>Occupant Load</u>	<u>Fee</u>
1-99	\$69
100-499	\$104
500-999	\$138
1,000-4,999	\$173
5,000-9,999	\$207
10,000 or more	\$242

(2) Category B: Places where the maximum occupant load is calculated under the method prescribed in the Indiana Building Code, 675 IAC 13. The occupant load may include persons seated in moveable seats or bleachers, fixed seating, persons standing, and combinations thereof. Examples include indoor stadiums, arenas, gymnasiums, halls, nightclubs, and other assembly type buildings or portions thereof. The application fee is calculated from the same schedule as Category A plus an additional sixty-nine dollars (\$69) for each seating configuration or arrangement described in the floor or site plans submitted with the application under 675 IAC 12-9-3(a).

(b) An application for issuance of a special event endorsement under IC 22-14-3-4 shall be accompanied by payment to the fire and building services fund in an amount of sixty-nine dollars (\$69) for inspection of the place of amusement or entertainment. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-8; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2235; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2733*)

675 IAC 12-3-9 Fireworks wholesale permit fees

Authority: IC 22-12-6-8
 Affected: IC 22-11-14-5; IC 22-12-6

Sec. 9. An application for issuance of a fireworks manufacturer, distributor, wholesaler, or importer permit under IC 22-11-14-5 shall be accompanied by payment in the amount of one thousand dollars (\$1,000) for each such permit. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-9; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2235; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-3-10 Fireworks retail stand permit fees

Authority: IC 22-12-6-8
 Affected: IC 23-17

Sec. 10. (a) An application for a fireworks retail stand permit shall be accompanied by payment to the Fire and Building Services Fund as follows:

(1) 1 to 4 retail stands	\$276
(2) 5 to 10 retail stands	\$552

ADMINISTRATION

(3) 11 to 20 retail stands \$966
(4) 21 to 50 retail stands \$1,380
plus \$35 for each stand more than 50.

(b) A nonprofit corporation incorporated under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 is exempt from the fees under this section. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-10; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2235; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2734*)

675 IAC 12-3-11 Inspection fee for existing buildings

Authority: IC 22-12-6-6
Affected: IC 22-12-6-1; IC 22-13-4-5

Sec. 11. If a design release for rehabilitation work to an existing building, issued under 675 IAC 12-8-3(a), requires passing an on-site inspection conducted by the department, an inspection fee in the amount of seventy-five dollars (\$75) shall be paid by the applicant for the design release. The fee shall be paid to the Fire and Building Services Fund. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-11; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2236; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-3-12 Returned check fee

Authority: IC 22-12-6-6
Affected: IC 22-12-6

Sec. 12. This section is applicable to all fees prescribed in this rule. There will be an additional surcharge of thirty-five dollars (\$35) for any returned check. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-12; filed Aug 10, 1994, 10:40 a.m.: 17 IR 2859; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2082; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2734*)

675 IAC 12-3-13 Boiler and pressure vessel inspection, permitting, and licensing fees

Authority: IC 22-12-6-6; IC 22-13-2-13
Affected: IC 22-12-7-5; IC 22-15-6

Sec. 13. (a) The office of the state building commissioner may not charge an owner or user more than two (2) of the fees described in subsections (b) through (e) for inspections of regulated boilers and pressure vessels during a particular calendar year. However, a fee of twenty-five dollars (\$25) shall be paid by an owner or user who has failed to:

- (1) prepare a boiler or pressure vessel for the required inspection on the date specified by the inspector; or
- (2) make repairs or otherwise correct conditions of noncompliance applicable to regulated equipment within the time frame specified in a correction order pursuant to IC 22-12-7-5.

Verification of the conditions noted in either subdivision (1) or (2) shall be documented on the inspection report form mandated by the division of boiler and pressure vessel safety (division) to report inspection activities relating to equipment regulated by the division.

(b) The fees for the internal inspection of regulated boilers shall be as follows:

Heating Surface Area (in square feet)	Amount
0-100	\$24
101-500	\$36
501-1,000	\$48
1,001-10,000	\$90

Fees for internal inspection of regulated boilers exceeding ten thousand (10,000) square feet of heating surface shall be charged at the rates specified in subsection (i).

(c) The fees for the external inspection of regulated boilers shall be as follows:

Heating Surface Area (in square feet)	Amount
0-50	\$18

ADMINISTRATION

51–150	\$24
151 or more	\$40

(d) The fees for the internal or external inspection of regulated pressure vessels shall be based on the sectional area of the vessel (overall length head to head times the width or outside diameter) expressed in square feet as follows:

Area (in square feet)	Amount
0–50	\$15
51–150	\$30
Greater than 150	\$60

(e) The fee for internal or external inspection of a service water heater shall be ten dollars (\$10).

(f) The operating permit processing fee for all certificates of inspection (operating permits) issued by the office shall be twenty-five dollars (\$25). In all cases, this fee is in addition to fees for inspection activities.

(g) A request to recreate an operating permit that has been lost shall be accompanied by a payment of fifteen dollars (\$15).

(h) An application for a variance from a rule adopted by the boiler and pressure vessel rules board shall be accompanied by a fee of two hundred dollars (\$200). An additional five hundred dollars (\$500) shall accompany the application when engineering calculations are included for review.

(i) The fees for inspection and/or audit activities requested that are not otherwise listed in this section shall be either of the following:

(1) Three hundred dollars (\$300) per day, not to exceed four (4) regular working hours.

(2) Six hundred dollars (\$600) per day exceeding four (4) regular working hours, plus seventy-five dollars (\$75) per hour exceeding eight (8) regular working hours in a particular day, plus actual expenses incurred, such as travel, lodging, and dining expenses.

A fee computed under this subsection must cover the period from the time the inspector leaves the inspector's regular work schedule to the time the inspector returns to the inspector's regular work schedule and is payable upon receipt of an invoice.

(j) A payment of twenty dollars (\$20) per object inspected shall accompany the annual report of inspection of owner or user inspection agencies.

(k) An application for an owner or user inspection agency certificate shall be accompanied by payment of five hundred dollars (\$500).

(l) An application to sit for an inspector examination shall be accompanied by payment of one hundred dollars (\$100).

(m) The annual renewal of an inspector license shall be accompanied by payment of twenty-five dollars (\$25).

(n) All payments to the office are payable to the Fire and Building Services Fund. The state building commissioner may authorize the refunding of any fee specified in this section that was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-13; filed Dec 9, 2002, 11:15 a.m.: 26 IR 1556, eff Apr 1, 2003*)

675 IAC 12-3-14 Regulated lifting device permitting and certification fees

Authority: IC 22-12-6-6; IC 22-13-2-13

Affected: IC 22-15-5

Sec. 14. (a) An application for an installation or alteration permit for a regulated lifting device shall be accompanied by payment as follows:

Type of Device	Amount
(1) Vertical wheelchair lift, incline wheelchair lift, and incline chair lift	\$250
(2) Any other regulated lifting device, including elevator, escalator, belt manlift, personnel hoist, sewage lift station personnel hoist, or dumbwaiter	\$500

(b) An application for an initial or renewal operating certificate for a regulated lifting device shall be accompanied by payment of one hundred twenty dollars (\$120).

(c) An application for a temporary operating permit for a regulated lifting device shall be accompanied by a payment of one hundred dollars (\$100).

(d) All payments to the office are payable to the Fire and Building Services Fund. The state building commissioner may authorize the refunding of any fee specified in this section which was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-14; filed Dec 9, 2002, 11:15 a.m.: 26 IR 1557, eff Apr 1, 2003*)

675 IAC 12-3-15 Regulated lifting device professional licensing fees

Authority: IC 22-12-6-6; IC 22-13-2-13
 Affected: IC 22-15-5

Sec. 15. (a) An application for an initial or renewal license as an elevator contractor, elevator inspector, or elevator mechanic shall be accompanied by payment as follows:

Type of License	Amount
(1) Elevator contractor	\$500
(2) Elevator inspector	\$100
(3) Elevator mechanic	\$100
(4) Temporary elevator mechanic	\$100
(5) Emergency elevator mechanic	\$25

(b) All payments to the office are payable to the Fire and Building Services Fund. The state building commissioner may authorize the refunding of any fee specified in this section which was paid or collected in error. (*Fire Prevention and Building Safety Commission; 675 IAC 12-3-15; filed Dec 9, 2002, 11:15 a.m.: 26 IR 1558*)

Rule 4. Development and Application of Rules

675 IAC 12-4-1 Purpose

Authority: IC 22-13-2-13
 Affected: IC 22-12-6-6; IC 22-13-2; IC 36-8-17-13

Sec. 1. The purpose of this rule (675 IAC 12-4) is to establish administrative procedures and general provisions for the rules of the Commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-1; filed Jul 17, 1987, 2:30 pm: 10 IR 2682, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-2 Definitions

Authority: IC 22-13-2-13
 Affected: IC 22-12-1; IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 36-8-17-13

Sec. 2. (a) The definitions in this section apply throughout this title.

(b) "Building rule" means any fire safety rule, equipment rule, or other rule governing any of the following:

- (1) Fabrication of an industrialized building system or mobile structure for installation, assembly, or use at another site.
- (2) Construction, addition, or alteration of any part of a Class 1 or Class 2 structure at the site where the structure will be used.
- (3) Assembly of an industrialized building system or mobile structure that is covered by neither subdivision (1) or (2).

All building rules shall be deemed building laws as defined by IC 22-12-1-3.

(c) "Equipment rule" means a rule that applies to the design, manufacture, fabrication, assembly, installation, alteration, repair, maintenance, operation or inspection of a regulated amusement device, boiler, or lifting device. All equipment rules shall be deemed equipment laws as defined by IC 22-12-1-11.

(d) "Fire safety rule" means any building rule, equipment rule or other rule safeguarding life or property from the hazards of fire or explosion. All fire safety rules shall be deemed fire safety laws as defined by IC 22-12-1-13. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-2; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2682, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2082; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-3 Words and phrases not defined

Authority: IC 22-13-2-13
 Affected: IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 22-13-2-13; IC 36-8-17-13

Sec. 3. Where words and phrases are not defined within the rules of the commission, they shall have their ordinary accepted

meanings within the context in which they are used. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-3; filed Jul 17, 1987, 2:30 pm: 10 IR 2682, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-4 Statutory authority

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-13-2; IC 22-13-5; IC 36-8-17-13

Sec. 4. (a) The commission has statutory authority to adopt rules in various provisions in the Indiana Code including IC 12-3-2-3.5 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*], IC 22-12-6-6, IC 22-13-2-2, IC 22-13-2-8, IC 22-13-2-13, and IC 36-8-17-13.

(b) The office of the state building commissioner has the statutory authority to issue a written interpretation of a building law following the provisions of IC 22-13-5. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-4; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2682, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Nov 20, 2000, 3:25 p.m.: 24 IR 998; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-5 Rule adoption process

Authority: IC 22-13-2-13

Affected: IC 4-22-2; IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 36-8-17-13

Sec. 5. (a) The commission's rulemaking actions shall comply with the requirements of applicable provisions of the Indiana Code, including specifically IC 4-22-2.

(b) Pursuant to IC 4-22-2-15, the executive director of the department serving as the secretary of the commission under IC 22-12-5-4(c) [*IC 22-12-5 was repealed by P.L.22-2005, SECTION 56, effective April 15, 2005.*] is authorized to take any rulemaking action on the commission's behalf except final adoption of a rule under IC 4-22-2-29 and readoption of a rule subject to sections 24 through 36 of IC 4-22-2 under IC 4-22-2-40. The public hearing on a rule may be conducted by any employee of the department or another agent of the commission whenever authorized by the commission.

(c) The commission at its discretion may establish an advisory committee to aid it in the drafting and preparation of proposed rules. Membership on any such committee shall be at the sole discretion of the commission or the executive director. The advice of any such committee is not binding on the commission which by law retains its full rulemaking authority. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-5; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2682, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2082; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-6 Savings clause

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 22-13-2-13; IC 36-8-17-13

Sec. 6. Whenever a rule of the Commission is repealed or amended such repeal or amendment shall not have the effect to release or extinguish any penalty, forfeiture or liability incurred under such rule before its repeal or amendment, unless the amending or repealing rule promulgation shall so expressly provide; and such rule as it existed prior to the repeal or amendment shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-6; filed Jul 17, 1987, 2:30 pm: 10 IR 2683, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-7 Application of changes in rules of commission to particular construction projects

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 36-8-17-13

Sec. 7. (a) Construction projects for which design releases must be obtained under 675 IAC 12-6 shall be done in compliance with the applicable rules of the commission in effect on the date the plans and specifications were filed with the office of the state building commissioner notwithstanding the repeal or amendment of any rule prior to the date the construction work is actually done. Accordingly any enforcement action taken by the office of the state building commissioner or the office of the state fire marshal concerning such construction shall appropriately cite the rules of the commission in effect at the time of the filing of the plans and specifications.

(b) Notwithstanding subsection (a), said construction work may be done in accordance with any rule of the commission that takes effect subsequent to the filing of the plans and specifications and prior to the actual construction work being done, provided that an appropriate addenda and revision design release is issued under 675 IAC 12-6-18.

(c) Construction that is exempt from the design release requirements of 675 IAC 12-6 but is not exempt from the application of the rules of the commission shall be done in compliance with the rules of the commission in effect on the date the construction work is actually done. Recognizing that the rules may change during the course of construction on a particular project and uncertainty may exist as to when particular work was actually done, there shall be a rebuttable presumption that all construction for such an exempt project is done on the date the construction begins. The scope of this subsection includes construction on Class 1 structures exempted from the design release requirements by 675 IAC 12-6-4 and construction on Class 2 structures.

(d) This section does not apply to applications of the rules of the commission not related to new construction. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-7; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2683, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2083; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-8 Conflicts within the rules

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 22-13-2-13; IC 36-8-17-13

Sec. 8. Where, in any specific case, different sections of the rules of the Commission specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-8; filed Jul 17, 1987, 2:30 pm: 10 IR 2683, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-4-9 Maintenance of buildings and structures

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 36-8-17-13

Sec. 9. (a) All buildings and structures, and any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion systems, and all parts thereof, shall be maintained in conformance with the applicable rules of the commission, or applicable rules of its predecessor agencies, in effect when constructed, installed, or altered.

(b) The requirements of subsection (a) shall not prohibit maintenance in conformance with the current applicable building rules of the commission or in another manner which would be at least as safe, sanitary, energy conserving and accessible to persons with a physical disability as that required by subsection (a).

(c) Buildings and structures, and any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems, and all parts thereof, constructed, installed, or altered prior to the adoption of applicable rules by the commission or its predecessor agencies (including construction, installation, or alteration prior to the creation of the predecessor agencies) shall be maintained in a condition at least as safe and sanitary as they were when constructed, installed, or altered.

(d) This section does not prohibit the removal of buildings, structures, or any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems, or components thereof not required for the current use and occupancy by the rules of the commission or its predecessor agencies at the time of construction, installation, or alteration (including construction, installation, or alteration prior to the creation

of the predecessor agencies).

(e) Notwithstanding subsection (d), no alteration or removal shall cause an existing building, structure, or any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems to become unsafe or overloaded under the provisions of the current rules of the commission for new construction.

(f) Notwithstanding subsection (d), no alteration or removal shall reduce existing fire protection or detection systems or exit capacities to a level less than that required under the provisions of the current rules of the commission for new construction. *(Fire Prevention and Building Safety Commission; 675 IAC 12-4-9; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2683, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2083; errata filed Feb 2, 1998, 8:30 a.m.: 21 IR 2129; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-4-10 Moved buildings or structures

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 36-8-17-13

Sec. 10. All buildings or structures that are moved into the state shall comply with, or be made to comply with, the requirements of the commission for new construction for their intended use at their new location. All buildings or structures that are moved within the state, or to a new location on the same site, shall comply with, or shall be made to comply with, section 11(a) or 11(b) of this rule. *(Fire Prevention and Building Safety Commission; 675 IAC 12-4-10; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2684, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Aug 10, 1994, 10:40 a.m.: 17 IR 2859; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2084; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-4-11 Occupancy of existing buildings

Authority: IC 22-13-2-13

Affected: IC 12-17.2; IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 36-8-17-13

Sec. 11. (a) Any building or structure lawfully in existence at the time of the adoption of any rule of the commission for new construction may have its existing use or occupancy continued without having to be altered to comply with such a rule.

(b) No change in the character or use of any building or structure shall be permitted that shall cause the building or structure to be classified within a different occupancy group or within a different division of the same occupancy group, unless such building or structure complies with, or is made to comply with:

- (1) the current rules of the commission for new construction for the proposed revised use of the building;
- (2) the provisions of 675 IAC 12-8; or
- (3) the provisions of 675 IAC 12-13.

Exception: Buildings constructed prior to the effective date of the 1998 Indiana building code (675 IAC 13) that change occupancy classification shall not be considered as a change in occupancy as outlined as follows:

Previous Classification	1998 IBC Classifications
B-1	S-3
B-2	B, F-1, M, S-1, and S-2
B-3	S-4 and S-5
B-4	F-2 and S-2
Open Parking Garage	S-4
M	U

(c) Occupancies or rooms, in which the use is changed to include the consumption of alcoholic beverages, and unseparated accessory uses to those occupancies or rooms, where the total area of such unseparated rooms and accessory uses exceeds five thousand (5,000) square feet, shall be made to comply with the sprinkler requirements of 675 IAC 13. For the use to be considered as separated, the separation shall not be less than as required for a one (1) hour occupancy separation in accordance with 675 IAC 13.

(d) The office of the state building commissioner may conduct an inspection to determine that:

ADMINISTRATION

- (1) a building or structure may be exempted from the rules for new construction under 675 IAC 12-8 or 675 IAC 12-13; or
- (2) a proposed change in character or use of any Class 1 building or structure will not cause noncompliance with subsection (b).

(e) Subsection (b) shall not prohibit the following accessory uses within Class 2 structures provided they are in one (1) room that does not exceed five hundred (500) square feet in floor area:

- (1) Wholesale and retail sales.
- (2) Offices.
- (3) Craft or hobby workshops.
- (4) Storage and sales rooms for other than hazardous materials.
- (5) Instructional classroom for less than twenty (20) adults or children when used not more than twelve (12) hours per week or four (4) hours in any one (1) day.

(f) Subsection (b) shall not prohibit the following accessory uses within Class 2 structures: Class I child care homes and Class II child care homes, licensed in accordance with IC 12-17.2.

(g) Subsection (b) shall not prohibit the use of a Class 1 structure for residential occupancy not to exceed thirty (30) days in a calendar year, if all of the following conditions are met:

- (1) The portion of the Class 1 structure being used for the residential occupancy is classified as A, B, E, or M occupancy.
- (2) All existing exit signs shall be fully operational at all times.
- (3) All means of egress shall be completely clear and unobstructed. All rooms used for sleeping shall exit to a corridor or exterior exit door.
- (4) All emergency lighting shall be fully operational at all times. If emergency lighting is not installed in the building, it shall be installed in accordance with the current Indiana building code.
- (5) All fire alarm systems, including manual pull stations, smoke detectors, horns, and strobes shall be fully operational and shall have been tested in accordance with the rules of the commission within the preceding twelve (12) months. Test documentation shall be maintained on the premises for inspection by the fire official.
- (6) For buildings without an automatic alarm system, battery-operated smoke alarms shall be located in each room or space in which people will be sleeping. These alarms shall be tested at least monthly and shall be kept fully operational at all times. Test documentation shall be maintained on the premises for inspection by the fire official.
- (7) No extension cords shall be used. Power strips with circuit breakers are permitted.
- (8) Smoking within the building or buildings shall be prohibited at all times. "No Smoking" signs shall be posted in all areas used for residential purposes.
- (9) Emergency evacuation plans shall be established in writing, including procedures to be followed in case of emergencies, location of exits, and gathering place outside for assembly after evacuation in the event of a fire or other emergency. All individuals using the building shall be trained in the emergency evacuation procedures.
- (10) There shall be telephone access at all times for notification of emergencies.
- (11) The officer on duty at the nearest responding fire station shall be notified that the building is being used for a residential occupancy, and a calendar shall be provided to the fire station showing the dates that people will be using the building for a residential occupancy and listing a contact phone number for a representative of the organization that uses the structure for residential purposes.

(12) All of the members, volunteers, and employees of the following who are present when the building is used for residential occupancy shall be trained in emergency procedures and shall be equipped with flashlights:

- (A) The entity that operates the facility for nonresidential purposes; and
- (B) The organization that uses the structure for residential purposes.

(13) At least one (1) adult member, volunteer, or employee of:

- (A) the entity that operates the facility for nonresidential purposes; or
- (B) the organization that uses the structure for residential purposes;

shall be awake and on duty at all times that people are sleeping in the building.

(14) There shall be at least one (1) adult member, volunteer, or employee of:

- (A) the entity that operates the facility for nonresidential purposes; or
- (B) the organization that uses the structure for residential purposes;

on site for each fifteen (15) people who will be sleeping in the building.

(Fire Prevention and Building Safety Commission; 675 IAC 12-4-11; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2684, eff Aug 1, 1987 [IC

4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2585, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2084; errata filed Apr 15, 1998, 10:30 a.m.: 21 IR 3367; filed Nov 20, 2000, 3:25 p.m.: 24 IR 998; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Jun 25, 2004, 11:00 a.m.: 27 IR 3505)

675 IAC 12-4-12 Existing buildings; additions or alterations

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-13-2-2; IC 36-8-16-13

Sec. 12. (a) Buildings, structures, and any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems to which additions or alterations are made shall comply with the rules of the commission for new construction except as specifically provided in this section.

(b) Additions or alterations may be made to any existing building, structure, or any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems without requiring the entire existing building, structure, or system to comply with all the requirements of the rules of the commission provided:

(1) the construction work within the scope of the addition or alteration conforms to the requirements for new construction; and

(2) subsections (c) through (f) and (h) are not violated.

(c) No addition or alteration shall cause an existing building, structure, or any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems to become noncompliant under the provisions of the current rules of the commission for new construction or with the applicable rules of the commission or its predecessor agencies in effect at the time the original construction or installation was made.

(d) No addition or alteration shall reduce existing fire protection or detection systems or exit capacities to a level less than that required under the provisions of the rules of the commission for new construction.

(e) When there is a change in use or occupancy, the existing building or structure shall not exceed the height, number of stories, or area permitted by the rules of the commission for new construction for the new use or occupancy.

(f) No addition to a building or structure plus the existing building or structure shall exceed the height, number of stories, and area allowed by the rules of the commission for a new building or structure.

(g) Minor nonstructural alterations to an existing building or structure, which do not adversely affect any structural members or any part of the building or structure having required fire resistance, may be made with the same materials of which the building or structure is constructed.

(h) Notwithstanding subsection (g), the following shall meet the requirements of the rules of the commission for new construction:

(1) The installation or replacement of glass shall meet the requirements for safety glazing.

(2) The installation or replacement of wall and ceiling finishes shall meet the requirements for flame spread ratings.

(3) The installation or replacement of any potable water distribution system, or portion thereof, shall be only of lead-free pipe, fittings, flux, and solder.

(i) Repairs to any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion systems may be made in accordance with the current rules of the commission for new construction or with the applicable rules of the commission or its predecessor agencies in effect at the time original installation was made.

(j) Alterations of buildings built prior to January 21, 1978, (the effective date of the first state rule for energy conservation) need not conform with the new construction standards of 675 IAC 19.

(k) If the rehabilitation of an existing building is undertaken pursuant to 675 IAC 12-8, full compliance with all rules of the commission shall be required for all construction work done in the rehabilitation. (*Fire Prevention and Building Safety Commission; 675 IAC 12-4-12; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2684; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1274, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2085; filed Nov 20, 2000, 3:25 p.m.: 24 IR 999; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

Rule 5. Variances

675 IAC 12-5-1 Purpose

Authority: IC 22-13-2-13
 Affected: IC 22-12-7-3; IC 22-13-2-11

Sec. 1. The purpose of this rule (675 IAC 12-5) is to establish administrative procedures and general provisions for the Commission in the exercising of its variance authority under IC 22-13-2-11. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-1; filed Jul 17, 1987, 2:30 pm: 10 IR 2685, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-5-2 Definitions

Authority: IC 22-13-2-13
 Affected: IC 22-12-7-3; IC 22-13-2-11; IC 25-4; IC 25-31

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Applicant" or "applicant for a variance" means the person who would be in violation of a rule of the commission if he or she maintained the conditions sought to be legalized by a variance and did not obtain the variance. This person is usually the owner of the premises in question.

(c) "Architecturally significant" means the same as historically significant.

(d) "Design professional" means a registered architect or professional engineer who is registered under IC 25-4 or IC 25-31.

(e) "Historically significant" means any structure which is important to the general, archaeological, agricultural, economic, social, political, architectural, industrial, or cultural history of the United States or of Indiana.

(f) "Staff" or "commission's staff" means personnel of the division of technical services and research of the department and any other employees of the department working in conjunction with the division's personnel.

(g) "Undue hardship" means unusual difficulty in meeting the requirements of the rules of the commission because of physical limitations of a construction site or its utility services, major operational problems in the use of a building or structure, or excessive costs of additional or altered construction elements. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-2; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2685, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2085; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-5-3 Statutory authority

Authority: IC 22-13-2-13
 Affected: IC 22-12-7-3; IC 22-13-2-11

Sec. 3. As provided for by IC 22-13-2-11, the Commission may grant a variance to a rule it has adopted if the applicant pays the appropriate fee and submits facts demonstrating that:

(1) compliance with the rule will impose an undue hardship upon the applicant or prevent the preservation of an architecturally significant or historically significant part of a building or other structure; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the Commission,

will not be adverse to the public health, safety, or welfare. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-3; filed Jul 17, 1987, 2:30 pm: 10 IR 2685, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-5-4 Application process

Authority: IC 22-13-2-13
 Affected: IC 22-12-7-3; IC 22-13-2-11

Sec. 4. (a) A variance from the rules of the commission may be applied for at any time.

(b) An applicant for a variance shall:

(1) Submit an application to the secretary on a form provided by the secretary or on a reasonable facsimile the information required by section 5 of this rule.

(2) Pay the fee required under 675 IAC 12-3-4 by a check or money order payable to the State Building Commissioner Fund.

(c) An application may be submitted by the applicant or on the applicant's behalf by a representative. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-4; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2686, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2086; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1000; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-5-5 Application

Authority: IC 22-13-2-13

Affected: IC 22-12-7-3; IC 22-13-2-11

Sec. 5. An application for a variance shall include the following information either on the application form or, if appropriate, as an attachment:

(1) The name and address of the applicant and the name and address of the person submitting the application if it is not submitted by the applicant.

(2) The address and county of the premises for which the variance is being sought.

(3) If the variance involves a project for which plans and specifications have been filed for a design release under 675 IAC 12-6, the state building commissioner's project number.

(4) Identification (by specific citation) of the rule of the commission from which the applicant requests a variance.

(5) Specific description of the rooms, equipment, etc., involved.

(6) A specific description of:

(A) the undue hardship that compliance with this rule will impose on the applicant; or

(B) how compliance with the rule will prevent the preservation of an architecturally significant part of a building or other structure and the information required by section 7 of this rule.

(7) A statement:

(A) that noncompliance with the rule will not be adverse to the public health, safety, or welfare and a specific explanation as to why that is so; or

(B) alternative actions that the applicant would be willing to undertake in lieu of compliance with the rule to ensure that the granting of the variance will not be adverse to the public health, safety, or welfare and a specific explanation as to why it or they would be adequate.

(8) Three (3) sets of plans or drawings and supporting data that describe the area affected by the requested variance and any alternatives proposed by the applicant.

(9) Any information that the applicant believes may be helpful to the commission and its staff in evaluating a variance request, such as photographs.

(10) If the requested variance concerns a fire safety rule, written documentation that the local fire department is aware of the nature of the variance.

(11) If the requested variance involves a project for which plans and specifications have been, or must be, filed for a design release under 675 IAC 12-6 or if it involves a one (1) or two (2) family dwelling, written documentation that the local building official is aware of the nature of the variance.

(12) If the requested variance involves a project for which plans and specifications have been, or must be, filed for a design release under 675 IAC 12-6, a signed statement by the design professional (if there is one) that the information contained in the application is accurate.

(13) If the application is submitted on the applicant's behalf, a signed statement by the applicant that he or she is aware of the variance request and that it is made on his or her behalf.

(14) A signed statement by the person submitting the application or the applicant that the information contained in the application is accurate.

(Fire Prevention and Building Safety Commission; 675 IAC 12-5-5; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2686, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53

was filed Jul 17, 1987.]; errata, 11 IR 97; filed Aug 10, 1994, 10:40 a.m.: 17 IR 2859; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2086; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1000; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-5-6 Consideration of applications

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12-7-3; IC 22-13-2-11

Sec. 6. (a) A variance application may be reviewed by the commission's staff prior to its consideration by the commission. Accordingly, and to allow for mailing of the application to commission members for their review, no variance request shall be placed on the commission's agenda for any meeting of the commission scheduled for a date less than twenty-eight (28) calendar days subsequent to the receipt of the variance request, except where the applicant would be prejudiced by having to wait for a later meeting because of excessive loss of time or unreasonable cost. Otherwise, a variance request shall be placed on the agenda for the first meeting scheduled later than twenty-eight (28) calendar days subsequent to the receipt of the variance request.

(b) The commission's staff may hold informal meetings with the applicant and/or representatives in the course of its review of a variance application.

(c) At its discretion, the commission's staff may make a recommendation to the commission concerning a variance request.

(d) The applicant may submit additional information or materials prior to the commission's meeting at which the variance will be considered in order to come into compliance with sections 4 and 5 of this rule or for other appropriate reasons.

(e) At the commission's meeting at which the variance is on the agenda, participation by the applicant or representative is at the discretion of the commission.

(f) If any additional factors not considered by the commission's staff in its review of the variance application come up in the meeting, the commission may table the variance until its next meeting to allow for further review.

(g) If the commission grants the variance, it may, if appropriate, impose requirements other than those suggested by the applicant.

(h) Any application for variance, pending or tabled for lack of information requested by the staff or the commission, after three (3) consecutive months, may be placed on the commission's agenda for determination. The commission shall base its determination on the written information provided by the applicant.

(i) The commission shall not grant a variance to any application that has been applied for, for which there is no violation of the commission's rules.

(j) An order granting or not granting a variance shall be issued following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, that order shall be deemed merely to have been a preliminary determination. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-6; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2687, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2087; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1001; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-5-7 Architecturally or historically significant structures

Authority: IC 22-13-2-13

Affected: IC 14-21; IC 22-12-7-3; IC 22-13-2-11

Sec. 7. A structure shall be deemed as architecturally significant or historically significant if it has been placed on the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. § 470 et seq.) or if it has been placed on the Register of Indiana Historic Sites and Structures under IC 14-21. A determination that a structure has been determined eligible for the Register of Indiana Historic Sites and Structures by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources creates a presumption that a structure is architecturally or historically significant. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-7; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2687, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2088; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-5-8 Fee refunds

Authority: IC 22-13-2-13
Affected: IC 22-12-7-3; IC 22-13-2-11

Sec. 8. (a) The variance application filing fee provided for by 675 IAC 12-3-4 is not refundable. However, the variance plan examination and processing fee is refundable if the applicant withdraws the application prior to the variance request being placed on the commission's agenda, or one (1) week prior to the commission's meeting on which it has been placed on the agenda, whichever is later.

(b) When the commission determines that a variance is not required because there is no violation of the commission's rules, or any variance fee has been paid or collected in error, the fee is refundable. (*Fire Prevention and Building Safety Commission; 675 IAC 12-5-8; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2687, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2088; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-5-9 Sanctions imposed on previously issued variances

Authority: IC 22-13-2-13
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-7-6; IC 22-12-7-7; IC 22-13-2-11

Sec. 9. (a) The commission may impose a sanction concerning a variance it has previously issued under IC 22-12-7-7. Available sanctions are revocation, suspension, censure, reprimand, and probation.

(b) The state building commissioner, state fire marshal, local fire department, local building officials, and individuals affected by the variance may submit information to the commission concerning the desirability of the imposition of such a sanction. At the commission's meeting at which the sanction is on the agenda, participation by the interested party or representative of the interested party is at the discretion of the commission.

(c) The commission may impose an appropriate sanction whenever one (1) or more of the following exist:

- (1) It determines that the variance was obtained by the applicant by fraudulent or misleading statements or information.
- (2) Notification of the required local officials required by 675 IAC 12-5-5(10) and 675 IAC 12-5-5(11) [*sic., section 5(10) and 5(11) of this rule*] was not given.
- (3) That there has not been compliance with an alternative requirement contained in the variance.
- (4) That circumstances have materially changed since a variance was granted so that, if the sanction is not imposed, public health, safety, or welfare will be adversely affected.

(d) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, that order shall be deemed to have been merely a preliminary determination.

(e) Sanctions under this section may be imposed under IC 22-12-7-6 and IC 4-21.5-4 where appropriate. (*Fire Prevention and Building Safety Commission; 675 IAC 12-5-9; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2687, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2088; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1001; errata filed Jan 31, 2001, 9:22 a.m.: 24 IR 1670; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

Rule 6. Design Releases

675 IAC 12-6-1 Purpose and scope

Authority: IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15-3

Sec. 1. (a) The purpose of this rule is to establish administrative procedures and general provisions for the filing of plans and specifications and the issuance of design releases under IC 22-15-3.

(b) This rule covers the filing of plans and specifications and the issuance of design releases for Class 1 structures. The filing of plans and specifications and the issuance of design releases for industrialized building systems and mobile structures are covered by the special administrative rules for industrialized building systems and mobile structure systems under 675 IAC 15. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-1; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2688, eff Aug 1, 1987 [IC 4-22-2-*

36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.; filed Sep 13, 1988, 2:34 p.m.: 12 IR 319; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2089; errata filed Apr 15, 1998, 10:30 a.m.: 21 IR 3367; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-6-2 Definitions

Authority: IC 22-13-2-13

Affected: IC 22-12-1-5; IC 22-12-1-17; IC 22-15-3; IC 25-4; IC 25-31

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Class 1 structure" means the following:

(1) Any part of the following:

(A) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

(i) The public.

(ii) Three (3) or more tenants.

(iii) One (1) or more persons who act as the employees of another.

(B) A site improvement affecting access by persons with physical disabilities to a building or structure described in this subdivision.

(C) Storage facilities, tanks, and dispensing equipment for flammable and combustible liquids or gases.

(2) Subdivision (1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-1-6-2 [IC 32-1 was repealed by P.L.2-2002, SECTION 128, effective July 1, 2002.] or other units that:

(A) are intended to be or are used or leased by the owner of the units; and

(B) are not completely separated from each other by an unimproved space.

(3) Subdivision (1) does not include a building or structure that:

(A) is intended to be or is used only for an agricultural purpose on the land where it is located; and

(B) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or fewer consecutive months in a calendar year.

(4) Subdivision (1) does not include a Class 2 structure as defined by IC 22-12-1-5.

(5) Subdivision (1) does not include a vehicular bridge.

(c) "Construction" means any of the following:

(1) Erection or assembly of any part of a Class 1 structure at the site where it will be used.

(2) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 structure at the site where it will be used.

(3) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 structure.

(4) Work undertaken to relocate any part of a Class 1 structure, except a mobile structure.

(d) "Design professional" means a registered architect or professional engineer who is registered under IC 25-4 or IC 25-31.

(e) "Structural safety" means the continued capability of load bearing members of a building or structure to transmit actual and design live and dead loads to a foundation or other load bearing members within the allowable working stresses of the materials or assembly of materials involved.

(f) "Temporary structure" means:

(1) a Class 1 structure that is erected or installed for a period of not more than ninety (90) days after which it will be demolished or relocated;

(2) portable structures on construction jobsites for use by persons involved in the construction process; or

(3) mobile structures as set forth at IC 22-12-1-17.

(Fire Prevention and Building Safety Commission; 675 IAC 12-6-2; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2688, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2089; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-6-3 Design release; requirement

Authority: IC 22-13-2-13
 Affected: IC 22-15-3

Sec. 3. (a) No construction shall be done on a Class 1 structure until a design release has been issued by the office of the state building commissioner unless the construction is of a type specifically exempted from the design release requirements by section 4 of this rule (675 IAC 12-6-4). Design releases may be issued by the office of the state building commissioner only with the approval of the state fire marshal.

(b) If a foundation release is obtained under section 14 of this rule (675 IAC 12-6-14), construction may be done to the grade level only as provided for by section 14(c) of this rule (675 IAC 12-6-14(c)) and may not go beyond that point without the issuance of a design release or a partial design release authorizing the further construction.

(c) If a partial design release is obtained under section 15 of this rule (675 IAC 12-6-15), construction may be done to the extent of the partial design release but it may not exceed that scope without the issuance of a design release or another partial design release authorizing the further construction. *(Fire Prevention and Building Safety Commission; 675 IAC 12-6-3; filed Jul 17, 1987, 2:30 pm: 10 IR 2689, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-6-4 Exemptions from design release requirement

Authority: IC 22-13-2-13
 Affected: IC 4-21.5; IC 22-15-3

Sec. 4. (a) Design releases are necessary for construction on all Class 1 structures, except the following:

(1) Class 1 structures that will never be occupied or otherwise used in any part by the public and which will not normally be occupied or otherwise used in any part by a person who is acting as an employee of another, of the following types:

- (A) Oil derricks.
- (B) Pipelines, including related physical support structures.
- (C) Tanks for storage of products, other than flammable or combustible liquids or gases, which are factory fabricated and assembled.
- (D) Electrical power cable transmission towers and substations.
- (E) Structures used for communication purposes, except for satellite dishes exceeding ten (10) feet in diameter and antennas exceeding thirty (30) feet in length when mounted on the roof of a Class 1 structure.
- (F) Structures appurtenant to industrial plants, power generating plants, gas plants, bulk storage facilities, and shipping terminals where the functions of such structures are primarily the support of related equipment.
- (G) Structures of sewage, water, gas, and electric utilities.
- (H) Signs, except those mounted on the roof of a Class 1 structure, which exceed one hundred (100) square feet of surface area.

(2) Temporary structures.

(3) Class 1 structures either:

- (A) owned by the federal government; or
- (B) located on land over which exclusive jurisdiction has been ceded to the federal government. (See 40 U.S.C. 255 and IC 4-21.5.)

(4) One (1) story detached accessory Class 1 structures in Group B, F, R, S, U, or M Occupancy classifications that do not exceed five hundred (500) square feet and are used as equipment shelters, tool and storage sheds (not used for the storage or handling of hazardous materials), freezers or coolers, or other similar uses.

(5) One (1) story attached additions to Class 1 structures in Group B, F, R, S, U, or M Occupancy classifications that:

- (A) do not exceed three hundred (300) square feet;
- (B) do not impose an excessive structural load onto the existing structure; and
- (C) are used as equipment shelters, tool and storage sheds (not used for the storage or handling of hazardous materials), freezers, coolers, or other similar uses.

(6) One (1) story detached Class 1 structures that:

- (A) do not exceed five hundred (500) square feet in floor area;

ADMINISTRATION

- (B) have at least one (1) unenclosed side; and
- (C) are used for personnel shelters, such as bus stops, picnic shelters, and gazebos.
- (7) One (1) story detached Class 1 structures that:
 - (A) do not exceed two hundred (200) square feet in floor area; and
 - (B) are used as guard houses or retail sales outlets, such as kiosks, drive-up facilities, and roadside fruit and vegetable stands.
- (8) Fences, except for those enclosing public swimming pools or liquified petroleum gas storage facilities.
- (9) Retaining or enclosure walls, except for those surrounding flammable or combustible liquids or gases storage facilities.
- (10) Installation or replacement of tanks and dispensing equipment for flammable and combustible liquids or gases if the scope of the work is limited to the following:
 - (A) Liquid petroleum gas (LPG) storage facilities having a total capacity of not more than four thousand (4,000) gallons and no single tank having a capacity of more than two thousand (2,000) gallons measured as gallons of water.
 - (B) Storage tanks for Class I, II, IIIA, or IIIB liquids, having a capacity of six hundred sixty (660) gallons or less and that are portable and are for temporary use only.
- (11) Structures to be used primarily for the display of agricultural products and not used for assembly purposes where such structures are located within a political subdivision qualified under 675 IAC 12-10-9.
- (b) Design releases are necessary for the remodeling or altering of all Class 1 structures, except work limited to one (1) or more of the following:
 - (1) Any of the buildings or structures the new construction of which is exempted by subsection (a).
 - (2) Plumbing work as follows:
 - (A) Replacement of piping, valves, or fixtures, provided that such replacement does not involve relocation of fixtures.
 - (B) Installation of plumbing fixtures, provided that the drainage fixture unit count does not exceed five (5).
 - (C) Replacement of water heaters with a similar type and capacity in the same location.
 - (D) Installation of water heaters with a capacity of one hundred (100) gallons or less.
 - (3) Electrical work as follows:
 - (A) Replacement in the same location of electrical equipment or devices of a similar type and rating, including an increase in current capacity in nonhazardous areas where there is no change in voltage or phases.
 - (B) Portable or temporary equipment and devices energized by means of cord and plug.
 - (C) Temporary installation of wiring and devices.
 - (D) Installation of branch circuits not exceeding the capacity of the electrical distribution system within the existing building.
 - (E) Low-energy power, control, and signal circuits of Classes II and III as defined in the Indiana Electrical Code except circuits for fire detection or fire alarm systems.
 - (F) Electrical wiring, apparatus, or equipment installed by a public or private utility in the exercise of its function as a serving utility for the generation, transmission, distribution, or metering of electrical energy, in the operation of signals, or the transmission of intelligence.
 - (G) Except for fire detection or fire alarm systems, electrical wiring, devices, appliances, apparatus, or equipment operating at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy.
 - (4) Mechanical work as follows:
 - (A) Installation of any portable heating, ventilating, and air conditioning appliance or equipment.
 - (B) Replacement of mechanical appliances and equipment with a similar type and rating in the same location.
 - (C) Installation of a heating system having an output not in excess of four hundred thousand (400,000) British thermal units per hour, a cooling system having an output no greater than fifteen (15) tons (one hundred eighty thousand (180,000) British thermal units per hour), or a combination of the two (2) having an air-handling capacity not in excess of nine thousand (9,000) cubic feet per minute.
 - (D) Installation of heating or cooling equipment to be used for commercial processing work or activities where comfort of personnel is not of primary concern.
 - (5) Miscellaneous work as follows:
 - (A) Painting, papering, and replacement of coverings on walls, ceilings, roofs, or floors and similar finish work, including replacement or reglazing of glass.
 - (B) Cases, counters, and partitions not over six (6) feet in height.

(C) Penetrations of nonfire-rated exterior walls where the width of the opening does not exceed six (6) feet and is not for a required exit.

(D) Installation of one (1) or more nonload bearing partitions not to exceed a total of one hundred (100) lineal feet in length provided it is not part of a corridor or a partition that is required to be of fire-resistive construction.

(6) Fire sprinkler systems as follows:

(A) Fire sprinkler system additions and alterations described in this subdivision shall be permitted providing the scope of work performed does not exceed the limitations listed in either clause (D) or (E) or (F).

(B) All additions or alterations permitted by this subdivision shall be documented by the installer and kept on file with the maintenance and testing records required by 675 IAC 22.

(C) Replacement of components of existing wet fire sprinkler systems of light hazard or ordinary hazard classification as defined in 675 IAC 13, including:

(i) replacement of sprinkler heads;

(ii) replacement of equipment; or

(iii) replacement of piping to restore a system to its original condition and configuration.

(D) Alteration of existing light hazard or ordinary hazard fire sprinkler systems, including:

(i) relocating up to fifty (50) exposed or concealed sprinkler heads of a wet type system to accommodate new partitions or ceiling locations without increasing the design occupancy hazard or commodity classification;

(ii) conversion of a dry type system to a wet or antifreeze type system not exceeding ten (10) sprinkler heads; or

(iii) conversion of a wet or antifreeze type system not exceeding ten (10) sprinkler heads to a dry type system.

(E) The addition of sprinkler heads to an existing wet type fire sprinkler system of:

(i) twenty (20) or fewer sprinkler heads added to a light hazard system; or

(ii) ten (10) or fewer sprinkler heads added to an ordinary hazard system.

(F) Alterations allowed by clause (D) and additions allowed by clause (E) where the total number of sprinkler heads is fifty (50) or less for wet systems and ten (10) or less for dry systems including preaction systems.

(c) The design release requirements including filing of plans and specifications shall apply for any work otherwise exempted by subsection (b) when a part of, supplemental to, or an accessory of a construction project that otherwise requires a design release.

(d) Construction work on a Class 1 structure exempted from the design release requirements under this section is not exempt from compliance with other rules of the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-4; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2689, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Oct 17, 1989, 11:05 a.m.: 13 IR 388; errata filed Aug 11, 1990, 5:00 p.m.: 13 IR 2140; filed Sep 21, 1992, 9:00 a.m.: 16 IR 714; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2090; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1002; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-5 Application process for design release

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 5. An applicant for a design release shall:

(1) Submit one (1) Application for Construction Design Release form containing the information required by section 6 of this rule.

(2) Submit plans and specifications containing the items required by section 7 of this rule.

(3) Pay the fee provided for by section 8 of this rule and set in 675 IAC 12-3-2.

(*Fire Prevention and Building Safety Commission; 675 IAC 12-6-5; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2690, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2092; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-6 Application for construction design release

Authority: IC 22-13-2-13

Affected: IC 22-12-1-3; IC 22-15-3

ADMINISTRATION

Sec. 6. (a) The Application for Construction Design Release (ACDR) form shall be available from the office of the state building commissioner and may be available from building departments of local units of government.

(b) The application shall be filed by the owner or on the owner's behalf by the design professional for the project.

(c) The ACDR shall contain the following items:

(1) The name and address of the owner, and the name, address, and registration number of the design professional for the project, if there is one.

(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) Identify and describe the work for which the application for a design release is being made.

(4) Indicate the use or occupancy for which the proposed work is intended.

(5) State the total gross square feet of:

(A) all floors of any Class 1 structure;

(B) all floors of any addition to an existing Class 1 structure, and all floors of the existing portion of the Class 1 structure; and

(C) all floors of Class 1 structures that are undergoing remodeling or alteration (including both floors that are and are not undergoing remodeling or alteration).

(6) State whether or not the plans and specifications are being submitted under 675 IAC 12-8.

(7) State the estimated costs of all construction work included in the project for which application for design release is being made.

(8) Give such other reasonable data and information concerning compliance with the rules of the commission that the state building commissioner may require.

(9) Be signed by the owner or an authorized agent, who shall certify that the project will be constructed in compliance with all applicable rules of the commission and will not be changed (unless permitted under section 18 of this rule) from the design specified in the plans and specifications submitted with the application and released by the office of the state building commissioner. Any person purporting to be an agent of the owner may be required to submit written authorization of such fact.

(10) If a design professional is required by section 9 of this rule, the application shall include a certificate by the design professional sworn or affirmed under penalty of perjury stating:

(A) That the information required by subdivisions (1) through (8) is true and accurate.

(B) That the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement.

(C) That the plans and specifications submitted for the application provide for construction that will meet all building laws as that term is defined by IC 22-12-1-3, including all building rules of the commission.

(D) That the construction covered by the application will be subject to inspection at intervals appropriate to the stage of the construction by a design professional identified in the statement for the purpose of determining in general if work is proceeding in accordance with the released plans and specifications.

(Fire Prevention and Building Safety Commission; 675 IAC 12-6-6; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2691, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2092; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-6-7 Plans and specifications

Authority: IC 22-13-2-13

Affected: IC 22-15-3; IC 25-4; IC 25-31

Sec. 7. (a) Plans and specifications filed with an application for a design release shall comply with this section.

(b) All plans and specifications and any supporting data filed shall be sufficiently clear and complete to show in detail that the proposed work will comply with the rules of the commission. They shall be in the English language and dimensions shall be in the English units of measurement (yards, feet, or inches).

(c) One (1) complete set of plans and specifications required by this section shall be filed for review and shall not be returned to the applicant.

(d) No additional copies of the plans and specifications filed with the application for design release may be filed; however,

ADMINISTRATION

additional copies may be made by the applicant and utilized on the construction job site as required by section 19 of this rule and to meet requirements of local units of government.

(e) If a design professional is required by section 9 of this rule:

(1) the plans and specifications shall be prepared by a design professional who is competent to design the construction covered by the application and is registered under IC 25-4 or IC 25-31;

(2) each page of all drawings (plans) and the title page of all specifications shall include the legible signature and the seal of the design professional described in subdivision (1) or the person's technical or professional staff; and

(3) the plans and specifications shall be filed by the design professional described in subdivision (1) or the person's technical or professional staff.

(f) If a design professional is not required by section 9 of this rule, but the plans and specifications are nonetheless prepared and filed by a design professional, such filing shall not be required to comply with subsection (e) and section 6(c)(10) of this rule.

(g) If a design professional is not required by section 9 of this rule and the plans and specifications are not prepared and filed by a design professional, the owner shall sign and date all documents, on the first page of all drawings (plans) and the title page of all specifications.

(h) Plans and specifications filed under this section shall include all of the following as applicable:

(1) A site plan drawn to scale, showing dimensioned location of building property lines, and to all adjacent buildings on the property, as well as width of any street or easements bordering the property.

(2) Foundation and basement plans and details.

(3) Detailed dimensioned floor plans drawn to scale for all floors showing such items as wall configuration and fire rating, exitways, doors, windows, location of plumbing fixtures, chairlifts, elevators, and room designation.

(4) Fire and life safety plans showing graphically or by legend the location and rating of building elements, such as area separation walls, occupancy separation walls, smoke barriers, fire-rated corridor walls, stair enclosures, shaft enclosures, and horizontal exits.

(5) Wall elevations of all exterior walls.

(6) Sections and details of walls, floors, and roofs showing dimensions, materials, and heat transfer ratings.

(7) Structural plans and elevations showing size and location of all members, truss designs showing all connection details, and all stress calculations if specifically requested.

(8) Details indicating how required structural and fire-resistive integrity will be maintained where wall, floor, and ceiling penetrations will be made for electrical, mechanical, plumbing, and communication conduit, pipes, and similar systems.

(9) Room finish schedules showing finishes for walls, ceilings, and floors in all rooms, stairways, and corridors.

(10) Door schedules showing material, size, thickness, and fire resistance rating for all doors, frames, and hardware.

(11) Construction specifications, which for small projects may be on the plans.

(12) Electrical plans showing the electrical distribution system, service equipment, grounding methods, emergency and standby power systems, and any power or lighting information required for compliance with the Indiana Energy Conservation Code under 675 IAC 19.

(13) Plumbing plans showing fixture location, risers, drains, and piping isometrics.

(14) Mechanical plans showing location and size of ductwork, equipment, fire dampers, and smoke dampers, and equipment schedules showing capacity.

(15) Energy conservation details to include design criteria, exterior envelope component materials, U values of the envelope system, R values of insulating materials, size and type of equipment, and systems controls.

(16) Accessibility details to include access to buildings, ramps and walks with slope, dimensioned restroom plans and clearances, grab bars, door swing and size, and special seating accommodations.

(17) Plans for automatic fire-extinguishing systems showing automatic sprinkler piping size and spacing, standpipes, fire pumps, water supply data, rating of sprinkler heads, and other specific requirements contained in NFPA Standards 11, 12, 13, 13R, 14, 20, and 2001 as adopted in 675 IAC 13.

(18) Plans for fire detection and alarm systems showing location and type of detection activation devices (automatic or manual), control panels, annunciator panels and zones, water flow devices, and other specific requirements contained in NFPA Standard 72 as adopted in 675 IAC 22.

(19) Plans for public swimming pools showing area and volume, enclosure for pool area, turnover rate, filtration and circulation system, swimmer load, materials, shape and depth of pool, deck design, ladders, steps, drainage system, water supply system, and electrical system.

(20) Additional information as may be needed to substantiate claims that the proposed construction will comply with the rules of the commission.

(Fire Prevention and Building Safety Commission; 675 IAC 12-6-7; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2691, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Oct 17, 1989, 11:05 a.m.: 13 IR 390; filed Aug 10, 1994, 10:40 a.m.: 17 IR 2860; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2093; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1004; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-6-8 Fees

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 8. (a) An application for a design release shall be accompanied by payment of the appropriate plan review fee as set forth in 675 IAC 12-3.

(b) Additional special processing fees shall be paid as required by 675 IAC 12-3.

(c) The surcharge for late filing of plans and specifications shall apply when:

(1) construction is begun on a Class 1 structure where a design release is required before the design release has been issued by the office of the state building commissioner; and

(2) the construction jobsite has been inspected by any representative of the office of the state building commissioner.

(Fire Prevention and Building Safety Commission; 675 IAC 12-6-8; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2094; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-6-9 Design professionals

Authority: IC 22-13-2-13; IC 22-15-3-3

Affected: IC 22-15-3

Sec. 9. (a) Design professionals are required for the construction of Class 1 structures where a design release is required, except any of the following:

(1) Class 1 structures with thirty thousand (30,000) or fewer cubic feet of space.

(2) Additions to Class 1 structures if the addition adds thirty thousand (30,000) or fewer cubic feet of space.

(3) Alteration to a Class 1 structure if the alteration does not involve changes affecting the structural safety of the Class 1 structure.

(4) Installation or alteration of an automatic fire sprinkler system in a Class 1 structure designed by persons as described in subsection (b).

(b) The design for the installation or alteration of an automatic fire sprinkler system shall be prepared by a qualified person with any of the following requirements:

(1) Has been registered as a design professional as defined in section 2(d) of this rule.

(2) Has been certified as a Level III or Level IV automatic sprinkler layout technician by the National Institute for Certification in Engineering Technologies.

(3) Has been certified by an agency substantially similar to that of subdivision (2) and approved by the fire prevention and building safety commission. Such certification shall include the following:

(A) Not less than five (5) years of experience laying out fire sprinkler systems.

(B) Having done independent engineering technician work with little or no supervision on jobs covered by standards and complete plans, specifications, or instructions.

(C) A demonstration of knowledge regarding the following topics:

(i) The relationship between plans, specifications, and contracts.

(ii) Preparation of simple designs.

(iii) The basic application of NFPA Standards.

(iv) Basics of sprinkler systems.

(v) Basic materials and components.

(vi) Fundamentals of mathematics.

- (vii) Fundamentals of physical science.
 - (viii) Construction plans.
 - (ix) Fire protection plans and symbols.
 - (x) Basics of system layout.
 - (xi) Classification of occupancies.
 - (xii) Water supply requirements.
 - (xiii) System connections.
 - (xiv) System piping configurations, schedules, and sizes.
 - (xv) Requirements of spacing.
 - (xvi) Sprinkler location and position.
 - (xvii) Pipe joining techniques and fittings.
 - (xviii) Pipe hangers and hanging.
 - (xix) Wet and dry systems.
 - (xx) Hydraulic calculations of systems.
 - (xxi) Underground piping.
 - (xxii) Special sprinklers, such as residential, quick response, and extended coverage sprinklers.
 - (xxiii) Water flow tests.
 - (xxiv) Fundamentals of hydraulics.
 - (xxv) Dwelling sprinklers.
 - (xxvi) Advanced hydraulic calculations.
 - (xxvii) Hydraulic design area.
- (D) A demonstration of knowledge regarding the following:
- (i) Any two (2) of the following three (3) topics:
 - (AA) Basic communication skills.
 - (BB) Basic metric units and conversions.
 - (CC) Basic principles of combustion.
 - (ii) Any three (3) of the following seven (7) topics:
 - (AA) Specifications and cost estimates.
 - (BB) Contracts.
 - (CC) Building codes.
 - (DD) Insurance authorities and their requirements.
 - (EE) Common material specifications.
 - (FF) System components and limitations.
 - (GG) Special piping materials.
 - (iii) Any ten (10) of the following thirteen (13) topics:
 - (AA) Exposure protection systems.
 - (BB) Selection of fire pumps.
 - (CC) Pump flow tests.
 - (DD) High piled storage.
 - (EE) Rack storage.
 - (FF) Sprinkler system maintenance.
 - (GG) Standpipe systems.
 - (HH) Fire pumps and systems.
 - (II) Storage tanks.
 - (JJ) Alarms and system supervision.
 - (KK) Fundamentals of fire extinguishment.
 - (LL) Seismic bracing.
 - (MM) Surveys for fire protection.
 - (iv) Any six (6) of the following eleven (11) topics:
 - (AA) Project scheduling and coordination.
 - (BB) Bid invitation package and bid proposal.

- (CC) Contractual requirements and interpretations.
 - (DD) Shop and erection drawings.
 - (EE) System acceptance tests.
 - (FF) Antifreeze systems.
 - (GG) Water cooling towers.
 - (HH) Aircraft hangars.
 - (II) Internal and external corrosion.
 - (JJ) Meters and backflow protection.
 - (KK) Land surveying.
- (v) Any three (3) of the following ten (10) topics:
- (AA) Multipurpose piping.
 - (BB) Water spray systems.
 - (CC) Foam systems.
 - (DD) Halon systems.
 - (EE) Carbon dioxide systems.
 - (FF) Alarm and supervisory systems.
 - (GG) Dry chemical systems.
 - (HH) Foam-water systems.
 - (II) Sprinklers and valves.
 - (JJ) Large drop sprinkler systems.

A copy of the qualified person's certification or registration pocket card shall be submitted with the application for construction design release.

(c) The requirements for design professionals apply to all types of design releases provided for in this rule. If a construction project originally required a design professional, then a design professional is required for all partial design releases and addenda and revision design releases for that project. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-9; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jul 2, 1993, 3:30 p.m.: 16 IR 2554; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2094; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1005; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-10 Predesign conferences

Authority: IC 22-13-2-13
Affected: IC 22-15-3

Sec. 10. An applicant may request in writing consultation with representatives of the offices of the state building commissioner and the state fire marshal for the purpose of resolving questions on the application of the rules of the commission to a specific project. The results of any such consultations shall not be binding on said offices in the consideration of an application for a design release and in no way shall serve as a substitute for the authority of the commission to grant or deny variances under 675 IAC 12-5. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-10; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1006; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-11 Alternative materials, methods, and design

Authority: IC 22-13-2-13
Affected: IC 22-15-3

Sec. 11. (a) This section does not authorize a variance from any rule adopted by the commission.

(b) The rules adopted by the commission do not prevent the use of:

- (1) materials;
- (2) methods of construction; or
- (3) design procedures;

if they are not specifically prohibited in the rules and if they are approved under subsection (c) or (e).

ADMINISTRATION

(c) The state fire marshal and the state building commissioner may, in the review of an application for a design release, consider as evidence of compliance with the rules adopted by the commission any evaluation report that:

- (1) contains limitations, conditions, or standards for alternative materials, method of construction, or design procedures; and
- (2) is:

- (A) published by an independent, nationally recognized testing laboratory; or
- (B) other organization listed in subsection (d).

(d) The following laboratories or organizations, with their applicable evaluation reports, are approved:

- (1) Factory Mutual Loss Prevention Data Sheets, and test reports (FM).
- (2) International Organization for Standardization (ISO) (ISO standards listed by the American National Standards Institute).
- (3) International Electrotechnical Commission (IEC), (IEC standards listed by the American National Standards Institute).
- (4) Japan Industrial Standards (JIS) (which are found to be equivalent to ANSI standards).
- (5) German Institute for Standards (Deutsches Institut für Normung) (DIN) (standards which are found to be equivalent to ANSI standards).
- (6) French Standards Association (AFNOR) (standards which are found to be equivalent to ANSI standards).
- (7) Canadian Standards Association (CSA) (which are found to be equivalent to ANSI standards).
- (8) BOCA Evaluation Services, Inc., Building Officials and Code Administrators International (BOCA) (research reports).
- (9) Council of American Building Officials (CABO) (National Evaluation Services (NES) evaluation reports).
- (10) ICBO Evaluation Services Inc. International Conference of Building Officials (ICBO) (ICBO Evaluation Service Inc. evaluation reports).
- (11) SBCCI Public Safety Testing and Evaluation Services, Inc., Southern Building Code Congress International (SBCCI) (compliance reports).
- (12) International Association of Plumbing and Mechanical Officials (IAPMO) (Directory of Research Recommendations).

(e) The state building commissioner may, in the review of an application for a design release, accept as evidence of compliance with provisions of the Indiana building code under 675 IAC 13, similar provisions of the ADA Accessibility Guidelines for Buildings and Facilities included as Appendix A, Standards for Accessible Design, Part 36 Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities (28 CFR 36) as published in 56 FR 144 on July 26, 1991, on pages 35544 through 35691. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-11; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Oct 17, 1989, 11:05 a.m.: 13 IR 391; filed Sep 21, 1992, 9:00 a.m.: 16 IR 715; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2095; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-12 Consideration of applications for design releases

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-15-3

Sec. 12. (a) The office of the state building commissioner shall consider applications for design releases and plans and specifications filed under this rule in conjunction with the office of the state fire marshal. No design release shall be issued unless:

- (1) section 5 of this rule has been complied with by the applicant;
- (2) the plans and specifications submitted with the application have been reviewed by the office of the state building commissioner for compliance with the rules of the commission; and
- (3) the plans and specifications submitted with the application have been presented to the office of the state fire marshal and approved in writing by the office of the state fire marshal.

(b) Subsequent to the filing of an application the applicant may be requested to submit additional information or documents to place the application in compliance with section 5 of this rule or to modify the plans and specifications in order to place them in compliance with the rules of the commission. If the applicant has not done so within thirty (30) days following the date of request, the design release shall be subject to denial by the state building commissioner.

(c) The order granting or denying the design release shall be issued by the office of the state building commissioner following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission.

(d) Prior to the issuance of an order by the office of the state building commissioner under subsection (c), a meeting between the executive director of the department, the state building commissioner, and the state fire marshal may be called by the executive

director of the department:

- (1) upon request of the state building commissioner or the state fire marshal, if the state building commissioner and the state fire marshal cannot agree on the issuance of a design release; or
- (2) upon request of the applicant for the design release, if the office of the state building commissioner and the office of the state fire marshal have not acted to issue or deny the design release within a reasonable time after the application is submitted to the office.

(e) At a meeting called under subsection (d), the executive director of the department, the state building commissioner, and the state fire marshal shall review the application for a design release and shall, by majority vote, issue a final decision. Said order shall be issued following the requirements of IC 4-21.5-3-4 and shall eliminate the need for an order to be issued under subsection (c). If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-12; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2694, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2097; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-13 Denial and subsequent application

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-7; IC 22-15-3

Sec. 13. (a) Subsequent to the denial of a design release under section 12(c) and 12(e) of this rule, any further consideration of a design release may only be done under a new application for design release under section 5 of this rule, including a new application, plans and specifications, and paying of appropriate fees.

(b) After denial of a design release (at the expiration of the time period for filing a petition for review under IC 4-21.5-3-7 or after resolution of a petition for review, whichever date is later), all plans and specifications previously filed will be subject to being destroyed without notice to the applicant, but may be returned to the applicant upon a timely request. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-13; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2695, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2098; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-14 Foundation releases

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 14. (a) A foundation release may be issued by the office of the state building commissioner, with the approval of the office of the state fire marshal, upon the request of an applicant for a design release to allow for construction work to the extent stated in subsection (c) to be undertaken prior to plan review and consideration of the issuance of a design release if:

- (1) the documents and fees required under section 5 of this rule have been submitted;
- (2) the applicant submits an application on a form provided by the office of the state building commissioner stating the name and address of the construction project and agreeing to comply with the provisions of subsections (c) and (e); and
- (3) the applicant pays the fee for a foundation release set by 675 IAC 12-3.

(b) A foundation release may not be issued for a construction project unless requested at the time of the filing of the documents and payment of the fees required by section 5 of this rule.

(c) A foundation release shall allow work to grade level only which may include slab on grade and underground mechanical, electrical, and plumbing work, but does not allow work on more than one (1) floor below grade level. As an exception, any continuous structural member, such as a pole, may extend from its footing below grade to its intended height above grade.

(d) Any corrective work found to be necessary as a result of the project plan review conducted subsequent to the issuance of the foundation release shall be done at the applicant's expense.

(e) The issuance of a foundation release upon receipt of the documents and fees required by section 5 of this rule does not limit the ability of the office of the state building commissioner to require additional information or fees required by this rule if subsequent plan review shows that such is necessary.

(f) Any construction work beyond foundation or grade level done under a foundation release shall be prohibited until an

appropriate design release is issued.

(g) Requests for foundation releases shall be subject to the provisions of section 12 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-14; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2695, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Sep 21, 1992, 9:00 a.m.: 16 IR 717; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-15 Partial design releases

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 15. (a) A partial design release may be issued by the office of the state building commissioner with the approval of the office of the state fire marshal.

(b) Applicants for design releases may request partial design releases in order to facilitate project designing, bidding, and construction or for other valid reasons. Requests for partial design releases shall be filed with all of the documents and fees required under section 5 of this rule (675 IAC 12-6-5) except to the extent the plans and specifications outside the scope of the partial design release request need not be filed.

(c) Requests for partial design releases shall be submitted on a form provided by the state building commissioner with the following information:

- (1) The name and address of the construction project.
- (2) The state building commissioner's project number.
- (3) The scope of the work involved in the desired partial design release.

(4) Such other reasonable data and information concerning compliance with the rules of the commission that the state building commissioner requires.

(d) The document required by subsection (c) of this section shall be signed by the owner and design professional if one is required for the construction project.

(e) Each separate part of plans and specifications filed for partial design releases (foundation, structure, plumbing, electrical, fire protection systems, etc.) shall be submitted in sufficient detail to assure that its proposed portion complies with the rules of the commission.

(f) Any construction beyond the scope of a partial design release shall be prohibited until an appropriate design release is issued for the further construction work.

(g) Requests for partial design releases shall be subject to the provisions of section 12 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-15; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2696, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1006; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-16 Master plan design release

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 22-15-3

Sec. 16. (a) Master plan design releases may be issued by the office of the state building commissioner with the approval of the office of the state fire marshal.

(b) As used in this section, "master plan" means a set of plans and specifications for Class 1 structures the scope of which includes only the structural framing and shell enclosures and does not include any mechanical, plumbing, electrical, energy conservation, and accessibility systems or components.

(c) The purpose of a master plan design release is to simplify the use of the same design for more than one (1) Class 1 structure by eliminating repetitive filing and review of plans and specifications within the scope of a master plan.

(d) To apply for a master plan design release the applicant shall submit to the office of the state building commissioner:

- (1) An application for construction design release as provided for by section 6 of this rule.
- (2) The fee set for master plan filing in 675 IAC 12-3-4.

(3) Plans and specifications as provided for by section 7 of this rule, except that plans and specifications normally required by section 7 [of this rule] but outside the scope of the desired master plan design need not be filed.

(e) The issuance of a master plan design release does not authorize any specific construction project and therefore does not eliminate the requirement for a separate design release applied for under section 5 of this rule. All applications for design releases that utilize a master plan design shall reference the master plan design release number assigned by the office of the state building commissioner.

(f) Requests for master plan design releases shall be subject to the provisions of section 12 of this rule.

(g) A master plan design release shall expire when the state building commissioner:

(1) determines that because of changes in the Indiana Building Code the plans and specifications may no longer comply with the rules of the commission; and

(2) issues an order following the requirements of IC 4-21.5-3-6.

(h) If a petition for review of the state building commissioner's order under subsection (g) of this section is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-16; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2696, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2098; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1007; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-17 Conditional design releases

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 17. In order to facilitate the issuance of design releases when the plan review process finds minor omissions or minor items contrary to the rules of the commission, conditional design releases may be issued without the need for further or corrected plans and specifications being filed. Conditional design releases may be issued for all types of design releases except foundation releases. Such conditions shall be binding unless a petition for review is filed under 675 IAC 12-6-12. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-17; filed Jul 17, 1987, 2:30 pm: 10 IR 2697, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-18 Addenda or revised design releases

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 18. (a) No design changes or additions to the scope of work shall be made on a construction project subsequent to the issuance of an applicable design release unless an addenda or revised design release is issued by the office of the state building commissioner with the approval of the office of the state fire marshal.

(b) Such design changes shall not include increases in project height or area.

(c) An applicant for an addenda or revised design release shall submit the following to the office of the state building commissioner:

(1) On a form provided by the state building commissioner, which shall be signed by the owner and design professional, if one is required for the construction project, the following information:

(A) The name and address of the construction project.

(B) The state building commissioner's project number.

(C) The scope of the work involved in the design changes or additions.

(D) By page or sheet number, the portions of the original plans and specifications being changed.

(E) Such other reasonable data and information concerning compliance with the rules of the commission that the state building commissioner may require.

(2) One (1) copy of all changed plans and specifications.

(3) The fee established in 675 IAC 12-3.

(d) Requests for addenda or revised design releases shall be subject to the provisions of section 12 of this rule.

(e) Subsequent to the issuance of an addenda or revised design release, the original design release remains in effect as modified by the addenda or revision design release. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-18; filed Jul*

17, 1987, 2:30 p.m.: 10 IR 2697, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2098; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1007; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-6-19 A copy of the design release; posting; maintenance of plans and specifications

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 19. (a) A copy of the design release shall be posted by the applicant in a conspicuous place on the premises, protected from the weather and located in such a position so it can be conveniently seen by inspectors.

(b) A complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained on the construction job site.

(c) A copy of the design release shall remain posted, and plans and specifications maintained, on the construction job site until occupancy of the Class 1 structure. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-19; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2697, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1008; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-20 Expiration of design releases

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-15-3

Sec. 20. (a) All design releases (except master plan releases) expire if the construction work on all buildings within the scope of the design release is not commenced within one (1) year of the date of such release. However, an owner holding a design release who is unable to commence construction work within one (1) year of the issuance of the design release for good and satisfactory reasons may apply for an extension of time within which he or she may commence work under that design release. The office of the state building commissioner may extend the design release one (1) time for a period not exceeding one hundred eighty (180) days if:

- (1) no changes have been made in the plans and specifications filed with the original application for a design release;
- (2) no changes to the rules of the commission applicable to the scope of the design release have been made;
- (3) the extension is requested in writing by the applicant verifying subsection (a)(1); and
- (4) the release extension fee established by 675 IAC 12-3 has been paid.

(b) If the construction work authorized by a design release is suspended or abandoned at any time after construction work is commenced for a period of one hundred eighty (180) days, such construction work may be recommenced only after the issuance of a design release reinstatement by the office of the state building commissioner. Such reinstatement may be issued by the state building commissioner if:

- (1) the construction work has been suspended or abandoned for more than one hundred eighty (180) days but less than one (1) year;
- (2) no changes have been made in the plans and specifications filed with the original application for a design release;
- (3) no changes to the rules of the commission applicable to the scope of the design release have been made;
- (4) the reinstatement is requested in writing by the applicant verifying subsection (b)(1) and (b)(2); and
- (5) the release reinstatement fee established by 675 IAC 12-3 has been paid.

(c) The order granting or denying a reinstatement or extension shall be issued by the office of the state building commissioner following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-20; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2697, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2099; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-21 Compliance with rules

Authority: IC 22-13-2-13
Affected: IC 22-15-3

Sec. 21. The issuance of a design release does not relieve the owner from compliance with all applicable rules of the Commission even if items contrary to the rules of the Commission are shown in plans and specifications that have been filed with the office of the state building commissioner. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-21; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-22 Requirements of other laws

Authority: IC 22-13-2-13
Affected: IC 22-15-3

Sec. 22. The issuance of a design release in no way relieves the applicant from the requirements of any law including statute, rules, regulations or ordinances of the federal government, the state government and local units of government. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-22; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-6-23 Design release revocations

Authority: IC 22-13-2-13
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 22-12-7-7; IC 22-15-3

Sec. 23. (a) Under IC 22-12-7-7, the state building commissioner may impose a sanction concerning any type of design release previously issued. Available sanctions are:

- (1) revocation;
- (2) suspension;
- (3) censure;
- (4) reprimand; and
- (5) probation.

- (b) The state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exist:
- (1) If a determination is made that the design release was obtained by fraudulent or misleading statements or information, including plans and specifications.
 - (2) Circumstances have materially changed since a design release was granted so that if the sanction is not imposed, public health, safety, or welfare will be adversely affected.
 - (3) The construction done subsequent to the issuance of the design release is contrary to the rules of the commission.
 - (4) A check paying an applicable fee is returned.
 - (5) The design release was issued in error, on the basis of incorrect information, or in violation of a rule of the commission or a building law.

(c) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-6-23; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2100; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

Rule 7. Local Plan Review

675 IAC 12-7-1 Purpose and scope

Authority: IC 22-13-2-13
Affected: IC 22-15-3-1

ADMINISTRATION

Sec. 1. (a) The purpose of this rule is to establish administrative procedures for the review of plans and specifications by certified cities, towns or counties under IC 22-15-3-1(e), and thereby reduce the time needed by the office of the state building commissioner to issue a design release under 675 IAC 12-6.

(b) This rule pertains to the review of plans and specifications for Class 1 structures by a city, town, or county prior to the granting or denying of a design release by the office of the state building commissioner under IC 22-15-3 and 675 IAC 12-6.

(c) This rule does not apply to, or permit, plan review by a city, town, or county for industrialized building systems, automatic fire extinguishing or standpipe systems, regulated lifting devices, and boilers and pressure vessels. (*Fire Prevention and Building Safety Commission; 675 IAC 12-7-1; filed Feb 1, 1988, 2:15 p.m.: 11 IR 1787; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2100; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-7-2 Certification; application

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-13-2-3; IC 22-15-3-1

Sec. 2. (a) A city, town, or county that has in its employ a person qualified under this rule whose duties include the review of construction plans and specifications for conformance with applicable rules of the commission, may apply for certification under IC 22-15-3-1(e).

(b) Application may be made in letter form by the executive officer(s) of a city, town, or county. An application shall include the following:

(1) The name and title of each qualified plan reviewer.

(2) Documents that show that each plan reviewer has successfully passed the competency test designated in this rule.

(3) A signature card completed by each qualified plan reviewer.

(4) A statement by the applicant that prompt notification shall be given to the office of the state building commissioner upon the termination of employment or assignment to other duties of any qualified plan reviewer.

(5) A statement that the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

(c) The state building commissioner shall, upon receipt of an application under this section, determine if the applicant city, town, or county is competent to perform plan review for Class 1 structures. The order granting or denying the certification shall be issued following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-7-2; filed Feb 1, 1988, 2:15 p.m.: 11 IR 1787; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2100; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-7-3 Certification; sanctions

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 22-12-7-7; IC 22-15-3-1

Sec. 3. (a) Under IC 22-12-7-7, the state building commissioner may impose a sanction concerning any certification of a city, town, or county. Available sanctions are revocation, suspension, censure, reprimand, and probation.

(b) The state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exist:

(1) It is determined that substantial and frequent failure to detect and report errors or omissions in plans and specifications that could result in noncompliance with applicable rules of the commission.

(2) Failure to comply with the procedural requirements of this rule.

(3) Failure to retain in employment at least one (1) qualified plan reviewer assigned to plan review duties.

(c) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-7-3; filed Feb 1, 1988, 2:15 p.m.: 11 IR 1788; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2101; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-7-4 Competency testing; written examinations

Authority: IC 22-13-2-13

Affected: IC 22-15-3-1

ADMINISTRATION

Sec. 4. (a) A written test shall be administered to determine if a person is a qualified plan reviewer for the purposes of this rule. The test shall be administered by the division of education and information of the fire and building services department. The test shall be in two (2) parts:

- (1) the plans examiner test prepared by the International Conference of Building Officials (ICBO); and
- (2) the state plan review test prepared by the office of the state building commissioner.
- (b) The test shall be administered not less than two (2) times each year at the department offices in Indianapolis, Indiana.
- (c) The test shall be based on:
 - (1) the editions of the Uniform Building Code, Uniform Building Code Standards, Uniform Fire Code and Uniform Fire Code Standards adopted by reference in 675 IAC 13, and 675 IAC 22;
 - (2) those portions of the Indiana building code that are substantially different than the Uniform Building Code, and those portions of 675 IAC 22 that are substantially different than the Uniform Fire Code;
 - (3) the commission's rules covering design releases in 675 IAC 12-6; and
 - (4) the commission's rules found in 675 IAC 12-4.
- (d) A person may make application to take the written test on forms provided by the division.
- (e) The passing score for each part of the test is seventy-five (75).

(f) The office of the state building commissioner shall revise the state plan review portion of the test as necessary to be consistent with the Indiana building code, the Indiana fire prevention code, and other commission rules in effect. Any revised test shall be submitted to the commission for approval. (*Fire Prevention and Building Safety Commission; 675 IAC 12-7-4; filed Feb 1, 1988, 2:15 p.m.: 11 IR 1788; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2101; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-7-5 Local plan review; procedures; seals

Authority: IC 22-13-2-13

Affected: IC 22-15-3

Sec. 5. (a) A city, town or county certified to perform plan review of Class 1 structures shall adhere to the following procedures:

- (1) Plans and specifications shall be checked for compliance with 675 IAC 12-6, Design Releases.
- (2) A report of errors and omissions shall be prepared for each construction project covered by submitted plans and specifications.
- (3) The report of errors and omissions shall include a citation reference to the exact section of a rule of the commission for each error or omission noted by the plan reviewer.
- (4) Upon preparation, the report of errors and omissions shall be mailed directly to the office of the state building commissioner on the same working day. A copy may be furnished to the applicant for the design release.
- (5) The local qualified plan reviewer shall stamp each set of submitted plans and specifications with a seal provided by the office of the state building commissioner.
- (6) The plan reviewer will affix his or her signature over the seal to identify those sets to be subsequently submitted to the office of the state building commissioner in accordance with 675 IAC 12-6.
- (7) The stamped set of plans and specifications shall be returned to the applicant with an instruction to submit them, with a completed application for construction design release, to the office of the state building commissioner in accordance with 675 IAC 12-6.

(b) The seal provided by the office of the state building commissioner shall remain the property of the office of the state building commissioner.

(c) The certified city, town or county may obtain a supply of application for construction document release forms from the office of the state building commissioner for the convenience of plan review applicants. (*Fire Prevention and Building Safety Commission; 675 IAC 12-7-5; filed Feb 1, 1988, 2:15 p.m.: 11 IR 1788; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2101; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

Rule 8. Indiana Building Rehabilitation Standard

675 IAC 12-8-1 Definitions

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. The following definitions apply throughout this rule:

(1) "Building code" means the Indiana building code under 675 IAC 13-2.1 [675 IAC 13-2.1 was repealed filed Dec 1, 1992, 5:00 p.m.: 16 IR 1126, eff Jan 3, 1993. See 675 IAC 13-2.3].

(2) "Existing building" means a building or structure that has been issued a certificate of occupancy or has been legally occupied.

(3) "Historic building" means any structure that is important to the general, archaeological, agricultural, economic, social, political, architectural, industrial, or cultural history of the United States or Indiana.

(4) "Protected opening" means an opening in a fire-resistive area or occupancy separation wall meeting the requirements of the Indiana building code.

(5) "Rehabilitation" means returning or upgrading a building or structure to a state of utility through additions, alterations, or repairs.

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-1; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1275, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 442; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2102; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-2 Purpose

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 2. This rule shall maintain or increase public safety, health, and general welfare in existing buildings by permitting rehabilitation, change of use, occupancy, or location without requiring full compliance to the criteria for new construction unless otherwise specified in this rule. This rule also provides a means to evaluate the adequacy of fire and life safety systems in an existing building. *(Fire Prevention and Building Safety Commission; 675 IAC 12-8-2; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1275, eff Mar 1, 1988; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1008; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-8-3 Application and scope

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 3. (a) This rule applies to existing buildings when specifically requested by the building owner or owner's agent at the time of an application for design release under 675 IAC 12-6. Upon receipt of such a request, the offices of the state building commissioner and the state fire marshal shall have the plans for rehabilitation reviewed against the requirements of this rule to determine whether or not the existing building with proposed work incorporated is in compliance. The office of the state building commissioner may require an on-site inspection by a department employee to assist in the determination. If compliance with this rule has been achieved, a design release for that rehabilitation shall be issued. Full compliance with all the rules of the commission shall be required for all construction work done in the rehabilitation. The minimum number of exits required by the building code shall be provided before this rule may be used.

(b) This rule may be applied to existing buildings that will continue to be, or are proposed to be, building types 1 through 11 of Table 3, as follows:

(1) If an existing building is to be changed in use, occupancy, or location, this rule regarding that new use, occupancy, or location shall apply.

(2) If a portion of an existing building is to be changed in use, occupancy, or location, this rule regarding that new use, occupancy, or location shall apply to the entire building.

(3) Additions to existing buildings shall comply with the rules for new construction. The combined height or area of any existing building with its additions shall not exceed the values prescribed in the building code.

(4) An existing building or portion thereof shall not be altered or repaired so as to make it less safe than it was before such alteration or repair.

(5) When there is a change of use, only those elements of the existing building proposed for alteration of, or addition to, must

ADMINISTRATION

conform to the accessibility requirements for new construction. Exceptions shall be as follows:

- (A) Type 9 buildings (see Table 3) less than four (4) stories on floors or levels where accessibility is not existing.
 - (B) Type 6 and Type 7 buildings less than four (4) stories on floors or levels, other than grade, where accessibility is not existing.
 - (C) Type 10 and Type 11 buildings on floors or levels, other than grade, where accessibility is not existing.
- (6) Where a conflict between provisions of this rule occurs, those provisions that secure the greatest public safety shall apply.

INTENDED USE OF EXISTING BUILDINGS

TABLE 3

Building Types	Description
1	Theaters
2	Nightclubs, dance halls, and similar uses that serve over fifty (50) persons
3	Lecture halls, auditoriums, terminals, recreation centers, and restaurants other than nightclubs that serve over fifty (50) persons
4	Churches and other religious facilities, including "Sunday schools", but excluding
5	School buildings
6	Office buildings, other buildings where income is based upon service provided, and assembly areas for less than fifty (50) persons
7	Factories and industrial buildings other than those involving flammable, combustible, or explosive products or materials
8	Wholesale and retail stores, other than buildings where income is based upon goods provided
9	Hotels, motels, apartments, condominiums, barracks, dormitories, bed and breakfast establishments, and attached one (1) and two (2) family dwellings
10	Moderate hazard storage, automotive and aircraft storage and repair
11	Low hazard storage, including automotive and aircraft storage without repair

(7) For institutional occupancies, Appendix A of National Fire Protection Association Standard Number 101 1998 shall be recognized as an alternative means of evaluation for conversion to and for existing buildings of Group I occupancy.

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-3; filed Dec 3, 1987, 2:22 p.m.: 11 IR 1275, eff Mar 1, 1988; filed Apr 26, 1988, 2:45 p.m.: 11 IR 3042; filed Oct 19, 1990, 2:38 p.m.: 14 IR 443; errata, 14 IR 761; errata filed Dec 12, 1990, 1:45 p.m.: 14 IR 1070; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2236; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2102; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1008; errata filed Jan 31, 2001, 9:22 a.m.: 24 IR 1670; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-4 Implementation

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 4. (a) For any proposed work to be governed by this rule, the owner or owner's agent shall cause the existing building to be investigated and evaluated in accordance with this rule.

(b) The owner or owner's agent shall have a structural evaluation of the existing building made to determine the adequacy of all structural systems for the proposed alterations, addition, change of use, occupancy, or location. The results of this investigation and evaluation, along with any proposed compliance alternatives, shall be submitted to the office of the state building commissioner under the seal and signature of an architect or engineer licensed to practice in Indiana. Work shall not commence unless the existing building meets or can be made to sustain the design loads for new construction.

(c) The owner or owner's agent shall have an evaluation of the existing building made regarding the fire safety of the building. In conducting this evaluation, the worst case condition shall be used to establish values for tabulation. This investigation and evaluation shall be divided into the following three (3) categories as represented by the three (3) columns on the building score sheet in section 23 of this rule:

- (1) Fire safety includes structural fire-resistance, detection, alarm, and extinguishing features of the building.
- (2) Means of egress includes the configuration, characteristics, and support features for the means of egress.
- (3) General safety includes the fire safety and means of egress parameters.

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-4; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1276, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 444; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2103; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-5 Fire safety tabulation

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 5. A building score sheet conforming to section 23 of this rule shall be used for tabulation of existing building values for each building, or portion thereof, to be considered for rehabilitation, change of use, occupancy, or location. The completed building score (sheet) of the existing building, along with plans and specifications for any proposed compliance alternatives, shall be submitted to the office of the state building commissioner under the seal and signature of an architect or engineer licensed to practice in Indiana. Elements of the building shall be scored in accordance with this section and sections 6 through 22 of this rule. *(Fire Prevention and Building Safety Commission; 675 IAC 12-8-5; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1277, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2103; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-8-6 Height and area

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 6. (a) Determine the height of the existing building in both feet and number of stories, including proposed additions, and compare that height with the maximum allowable height under the rules for new construction.

(b) Determine the floor area of the existing building, including proposed additions and compare the area with the maximum allowable floor area under the rules for new construction. When an area separation wall conforming to the requirements of the building code is provided between the existing building and any addition, that addition shall be considered a separate building.

(c) Using subsections (a) through (b), categorize the existing building, then use the following procedure to determine the value to be entered on the building score sheet under fire safety, means of egress, and general safety:

CATEGORY	VALUES*
a	If both height and area exceed the maximum allowable limits of the building code, multiply -2 by the construction type factor found in Table 11-B in section 11(b) of this rule
b	If either height or area, but not both, exceed the maximum allowable limits of the building code, multiply -1 by the construction type factor found in Table 11-B in section 11(b) of this rule
c	If both height and area conform to the requirements of the building code, the value is zero (0)

*Round the value off to the closest whole number. *(Fire Prevention and Building Safety Commission; 675 IAC 12-8-6; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1277, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 444; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2104; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-8-7 Automatic fire extinguishing systems

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 7. (a) Determine the existence and extent, and evaluate the capacity of, sprinkler systems in the existing building, including proposed additions, alterations, and corrections to those systems. Use the categories in subsection (b) and Table 7 to obtain the fire extinguishing systems value, and enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Fire extinguishing systems categories shall be as follows:

(1) Category a. Systems not provided when the building code would require them.

(2) Category b. None, when the building code would not require them and partial systems provided in accordance with the building code.

(3) Category c. Buildings protected with an automatic fire extinguishing system designed and installed according to the standards listed in the building code for new construction, for the use, type of construction, and occupancy proposed.

ADMINISTRATION

Exception: Water supply requirements for the standpipes or hose stream need not be included in the calculations when a fire department connection is provided.

(4) Category d. Partial sprinkler systems not otherwise required by the building code may be given partial credit by the fire prevention and building safety commission.

FIRE EXTINGUISHING SYSTEMS VALUES

TABLE 7

Building Type (Renovation)	Categories		
	a	b	c
1	-15	0	21
2	-20	0	17
3	-15	0	21
4	-10	0	30
5	-10	0	30
6	-10	0	36
7	-15	0	29
8	-15	0	28
9	-15	0	28
10	-15	0	35
11	-10	0	35

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-7; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1277, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 444; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2104; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-8 Fire area

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 8. (a) Calculate the total net square footage of the largest area within the existing building that is separated from the remainder of the building by not less than two-hour fire-resistive construction, as specified in the building code. Use Table 8 and the categories listed in subsection (b) to determine the compartment area value for the existing building and enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Fire area categories shall be as follows:

- (1) Greater than fifteen thousand (15,000) square feet.
- (2) Ten thousand one (10,001) to fifteen thousand (15,000) square feet.
- (3) Seven thousand five hundred one (7,501) to ten thousand (10,000) square feet.
- (4) Seven thousand five hundred (7,500) square feet or less.

FIRE AREA VALUES

TABLE 8

Building Type	Categories			
	a	b	c	d
1	-8	-2	2	3
2	-12	-6	-2	-1
3	-8	-2	2	3
4	-6	-1	4	5
5	-6	-1	4	5
6	-6	-1	4	5
7	-4	0	6	8
8	-4	0	6	8
9	-4	0	6	8

ADMINISTRATION

10	-4	0	6	8
11	-6	1	4	5

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-8; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1278, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2104; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-9 Space division

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 9. Evaluate the subdivision of a fire area by walls and partitions exclusive of those described in 675 IAC 12-8-8 and 675 IAC 12-8-10 using the categories listed below and Table 9 then enter that value on the building score sheet under fire safety, means of egress and general safety.

Space division categories:

- (a) No partitions, or partial partitions.
- (b) Fixed partitions to ceilings, with self-closing or automatic-closing doors.
- (c) Floor to deck partitions, without self-closing or automatic-closing doors.
- (d) Floor to deck partitions, with self-closing or automatic-closing doors.

SPACE DIVISION VALUES

TABLE 9

BUILDING	CATEGORIES TYPE			
TYPE	a	b	c	d
1	0	0	0	0
2	-6	-4	-1	0
3	0	1	4	6
4	0	1	4	6
5	0	1	4	6
6	0	1	4	6
7	0	1	4	6
8	0	1	4	6
9	0	1	4	6
10	0	1	4	6
11	1	4	6	8

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-9; filed Dec 2, 1987, 2:22 pm: 11 IR 1278, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-10 Corridor walls/partitions

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 10. (a) Evaluate the corridor walls and partitions based upon their fire-resistance and completeness. Using the categories listed in subsection (b) and Table 10, obtain the corridor walls/partition value, then enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Corridor wall/partition categories shall be as follows:

- (1) No partitions, incomplete partitions, no doors, or doors not self-closing.
- (2) Less than one-hour fire-resistive or not floor to deck.
- (3) One-hour to less than two-hour fire-resistive, in accordance with the building code (to include exceptions).
- (4) Walls or partitions with a fire-resistive rating of two (2) hours or more, with protected openings.

CORRIDOR PARTITION/WALL VALUES

TABLE 10

ADMINISTRATION

Building Type	Categories			
	a	b	c	d
1	-10	-4	0	2
2	-30	-12	0	2
3	-7	-3	0	2
4	-5	-2	0	5
5	-5	-2	0	5
6	-5	-2	0	5
7	-7	-3	0	2
8	-7	-3	0	2
9	-7	-3	0	2

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-10; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1279, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2105; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-11 Vertical openings

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 11. (a) Use the formula in subsection (b), Table 11-A and Table 11-B to determine the vertical opening value, then enter it on the building score sheet under fire safety, means of egress, and general safety. Unenclosed vertical openings conforming to the building code shall not be considered in the evaluation of vertical openings.

(b) The vertical opening formula shall be as follows:

(1) $VO = PV \times CF$.

(2) VO = vertical opening value.

(3) PV = protection value from Table 11-A.

(4) CF = construction type factor from Table 11-B.

*Round the value off to the closest whole number.

VERTICAL OPENING PROTECTION VALUES

TABLE 11-A

Protection	Value
None (unprotected opening)	-10
Less than one-hour	-5
One to less than two-hour*	1
Two-hour or more	2

CONSTRUCTION TYPE FACTOR

TABLE 11-B

Type of Construction*

	I		II		III		IV		V	
	F.R.	F.R.	One-Hour	N	One-Hour	N	H.T.	One-Hour	N	
FACTOR	1	1.2	2.2	3.5	2.5	3.5	2.3	3.3	7	

*As defined in the building code.

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-11; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1279, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 445; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2105; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-12 Heating, ventilating and air-conditioning (HVAC) systems

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 12. Determine the number of floors served by an individual HVAC system, then use the categories listed below and Table 12 to obtain the HVAC system value, then record that value on the building score sheet under fire safety, means of egress and general safety.

HVAC categories:

- (a) Greater than five (5) floors, or combustibles in air plenums or corridors used as air plenums.
- (b) Three (3) to five (5) floors.
- (c) Two (2) floors.
- (d) One (1) floor, or central boiler/chiller with no ductwork connecting two (2) or more floors.

HVAC SYSTEM VALUES

TABLE 12

BUILDING TYPES	CATEGORIES			
	a	b	c	d
1	0	2	5	7
2	-10	-5	0	2
3	-5	0	2	5
4	0	2	5	7
5	0	2	5	7
6	0	2	5	7
7	-5	0	2	5
8	-5	0	2	5
9	-5	0	2	5
10	-5	0	2	5
11	0	2	5	7

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-12; filed Dec 2, 1987, 2:22 pm; 11 IR 1280, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-13 Automatic alarms

Authority: IC 22-13-4-5

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 13. (a) Evaluate the ability of automatic fire alarms to detect smoke in all areas of the existing building. Using the categories listed in subsection (b) and Table 13, determine the alarm system values and enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Automatic alarm categories shall be as follows:

- (1) None.
- (2) HVAC return only.
- (3) Elevator lobby only.
- (4) HVAC return, elevator lobby, and single station units in type 9 buildings.
- (5) All corridors, including elevator lobby.
- (6) Total space, including HVAC return, conforming to the requirements for new construction.

AUTOMATIC ALARM VALUES

TABLE 13

ADMINISTRATION

Building Type	Categories					
	a	b	c	d	e	f
1	-10	-5	0	2	4	6
2	-30	-10	-5	0	2	4
3	-10	-5	0	2	4	6
4	0	2	4	6	8	12
5	0	2	4	6	8	12
6	0	2	4	6	8	12
7	-10	-5	0	2	4	6
8	-10	-5	0	2	4	6
9	-10	-5	0	2	4	6
10	-10	-5	0	2	4	6
11	0	2	4	6	8	12

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-13; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1280, eff Mar 1, 1988; filed Apr 26, 1988, 2:45 p.m.: 11 IR 3044; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2106; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-14 Communications

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 14. (a) Evaluate the capability of building alarm systems to communicate with all building occupants in an emergency using the categories in subsection (b) and Table 14, and record that communication value on the building score sheet under fire safety, means of egress, and general safety.

(b) Communication categories shall be as follows:

- (1) Category a. None.
- (2) Category b. Manual fire alarms conforming to the Indiana fire prevention code.
- (3) Category c. Fire alarms conforming to the Indiana fire prevention code, with a public address or voice communication system installed throughout the building.
- (4) Category d. Central control stations conforming to the building code.

COMMUNICATION VALUES
TABLE 14

Building Type	Categories			
	a	b	c	d
1	-10	-5	0	5
2	-10	-5	0	5
3	-10	-5	0	5
4	-10	-5	0	5
5	-10	-5	0	5
6	-5	0	5	10
7	0	5	10	15
8	-5	0	5	10
9	-5	0	5	10
10	0	5	10	15
11	0	5	10	15

ADMINISTRATION

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-14; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1280, eff Mar 1, 1988; errata, 11 IR 1309; filed Oct 19, 1990, 2:38 p.m.: 14 IR 446; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2106; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-15 Smoke control

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 15. (a) Evaluate the ability to control the movement of smoke in the existing building by natural or mechanical means. Using the categories listed in subsection (b) and Table 15, determine the smoke control value and record that value under means of egress and general safety on the building score sheet.

(b) Smoke control categories shall be as follows:

- (1) None.
- (2) Windows operable without special keys or tools (total building).
- (3) One (1) smoke proof enclosure and building having operable windows.
- (4) One (1) stair having operable exterior windows and building having operable windows.
- (5) Smoke control systems in accordance with the building code.
- (6) Smoke proof enclosures in accordance with the building code.

SMOKE CONTROL VALUES*
TABLE 15

Building Type	Categories					
	a	b	c	d	e	f
1	-6	-5	-4	-3	0	0
2	-6	-5	-4	-3	0	0
3	-6	-5	-4	-3	0	0
4	-3	-3	-3	-2	0	2
5	-3	-3	-3	-2	0	2
6	0	2	3	3	3	4
7	0	2	2	3	3	3
8	0	2	3	3	3	4
9	0	2	3	3	3	4
10	0	2	2	3	3	3
11	0	2	2	3	3	3

*Any positive value shall be zero (0) if compliance with categories d, e, or f in Table 13 in section 13 of this rule has not been obtained. *(Fire Prevention and Building Safety Commission; 675 IAC 12-8-15; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1281, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2107; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-8-16 Exit capacity

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 16. (a) Evaluate the means of egress of the existing building, then, using the categories in subsection (b) and Table 16, determine the exit capacity value and enter that value under means of egress and general safety on the building score sheet.

(b) Exit capacity categories shall be as follows:

- (1) Category a. Minimum number of exits in accordance with the building code are provided.
- (2) Category b. The total width of exits in accordance with the building code is exceeded.
- (3) Category c. Horizontal exits comply with the building code.

ADMINISTRATION

(4) Category d. The width of exits meets the requirements of the building code and the number of exits exceeds the requirements of the building code.

EXIT CAPACITY VALUES
TABLE 16

Building Type	Categories			
	a	b	c	d
1	0	5	10	20
2	0	5	10	20
3	0	5	10	20
4	0	5	10	20
5	0	5	10	20
6	0	2	5	10
7	5	10	20	30
8	0	2	5	10
9	0	5	10	20
10	5	10	20	30
11	5	10	20	30

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-16; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1281, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 446; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2107; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-17 Dead ends

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 17. Determine the length of any dead end corridors. Using the categories below and Table 17 obtain the dead end value and enter that value under means of egress and general safety on the building score sheet.

Dead end categories:

(a) Dead end corridors of more than twenty feet (20'), but less than fifty feet (50').

(b) Dead end corridors of twenty feet (20') or less.

DEAD END VALUES

TABLE 17

BUILDING TYPE	CATEGORIES	
	a	b
1	-5	0
2	-10	0
3	-5	0
4	-5	0
5	-5	0
6	0	5
7	0	5
8	0	5
9	-5	0
10	0	5
11	0	5

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-17; filed Dec 2, 1987, 2:22 pm: 11 IR 1281, eff Mar 1, 1988; errata, 11 IR 1309; errata, 11 IR 1607; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-18 Maximum travel distance

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 18. (a) Determine the longest length of travel to an approved exit, then, using the categories listed in subsection (b) and Table 18, obtain the maximum travel distance value and enter that value under means of egress and general safety on the building score sheet.

(b) Travel distance categories shall be as follows:

- (1) Exceeds the limits set by the building code.
- (2) Complies with the limits set by the building code.
- (3) Is less than half the limits set by the building code.

TRAVEL DISTANCE VALUES
TABLE 18

Building Type	Categories		
	a	b	c
1	-10	0	5
2	-10	0	5
3	-10	0	5
4	-10	0	5
5	-10	0	5
6	-5	0	10
7	-5	0	10
8	-5	0	10
9	-10	0	5
10	-5	0	10
11	-5	0	10

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-18; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1282, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2108; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-19 Elevator control

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 19. Evaluate the elevator equipment and controls, then using the categories listed below and Table 19 determine the elevator control value and enter it on the building score sheet under fire safety, means of egress and general safety.

Elevator control categories:

- (a) None, or no elevator in buildings four (4) or more stories high.
- (b) Fire department control, or no elevator in buildings two (2) or three (3) stories high.
- (c) Automatic recall.
- (d) Fire department control and automatic recall, or buildings one (1) story high.

ELEVATOR CONTROL VALUES
TABLE 19

BUILDING TYPE	CATEGORIES			
	a	b	c	d
1	0	3	6	9
2	0	3	6	9

ADMINISTRATION

3	-7	0	3	6
4	-7	0	3	6
5	-7	0	3	6
6	-7	0	3	6
7	-7	0	3	6
8	-7	0	3	6
9	-7	0	3	6
10	-10	-7	0	3
11	-10	-7	0	3

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-19; filed Dec 2, 1987, 2:22 pm: 11 IR 1282, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-20 Egress lighting

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 20. (a) Evaluate the existence and dependability of emergency lighting, then, using the categories listed in subsection (b) and Table 20, determine the egress lighting value and enter it under means of egress and general safety on the building score sheet.

(b) Egress lighting categories shall be as follows:

- (1) None.
- (2) Lighting in accordance with the building code, but without separate sources of power, if required.
- (3) Full compliance with the building code.

EGRESS LIGHTING VALUES
TABLE 20

Building Type	Categories		
	a	b	c
1	-20	-10	0
2	-20	-10	0
3	-20	-10	0
4	-20	-10	0
5	-20	-10	0
6	-10	0	2
7	-5	0	2
8	-10	0	2
9	-10	0	2
10	-5	0	2
11	0	2	7

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-20; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1282, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2108; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-21 Mixed uses

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

ADMINISTRATION

Sec. 21. (a) When an existing building is to be used by more than one (1) occupancy as defined in the building code, then the separation of occupancies shall be evaluated using the categories listed in subsection (b) and Table 21 and the mixed use value obtained entered under fire safety and general safety on the building score sheet.

(b) Mixed use categories shall be as follows:

- (1) Not in compliance with the building code.
- (2) In compliance with the building code.

MIXED USE VALUES
TABLE 21

Building Type	Categories	
	a	b
1	-10	0
2	-10	0
3	-5	0
4	-5	0
5	-5	0
6	-5	0
7	-5	0
8	-5	0
9	-10	0
10	-5	0
11	-5	0

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-21; filed Dec 2, 1987, 2:22 p.m.: 11 IR 1283, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2108; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-22 Building score

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 22. Ensure that a value, either positive or negative has been entered under every safety parameter and appropriate column of the building score sheet, then add the total values under fire safety, means of egress and general safety and record the total for each at the bottom of each column. These three (3) totals are the building score, which should reflect the existing building condition and any compliance alternatives proposed. *(Fire Prevention and Building Safety Commission; 675 IAC 12-8-22; filed Dec 2, 1987, 2:22 pm: 11 IR 1283, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-8-23 Building score sheet

Authority: IC 22-13-4-5

Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 23. Enter the data from 675 IAC 12-8-6 through 675 IAC 12-8-21 and total the building score.

SUMMARY SHEET—BUILDING SCORE

Existing use _____	Proposed Use _____
Year building was built _____	Number of stories _____ Height _____
Type of Construction _____	Area per floor _____
Separation: two sides _____ three sides _____	all sides _____
Completely sprinklered: Yes ___ No ___	Corridor wall rating _____
Compartmentation: Yes ___ No ___	Required door closers _____ Yes ___ No ___

ADMINISTRATION

Fire-resistance rating on vertical opening enclosures _____
 Type of HVAC System _____, Serving number of floors _____
 Automatic alarms: Yes ___ No ___, Type and location _____
 Communication systems: Yes ___ No ___, Type _____
 Smoke control: Yes ___ No ___, Type _____
 Adequate exit routes: Yes ___ No ___, Dead ends: Yes ___ No ___
 Maximum travel distance _____, Elevator controls: Yes ___ No ___
 Emergency lighting: Yes ___ No ___, Mixed uses: Yes ___ No ___

Section	Safety Parameters	Fire Safety	Means of Egress	General Safety
6	Height and area			
7	Fire extinguishing systems			
8	Fire area			
9	Space division			
10	Corridor partitions/walls			
11	Vertical openings			
12	HVAC systems			
13	Automatic alarms			
14	Communications			
15	Smoke control	* * * *		
16	Exit capacity	* * * *		
17	Dead ends	* * * *		
18	Maximum travel distance	* * * *		
19	Elevator control			
20	Egress lighting	* * * *		
21	Mixed uses		* * * *	
22	Building Score—total value			

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-23; filed Dec 2, 1987, 2:22 pm: 11 IR 1283, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-8-24 Mandatory safety scores

Authority: IC 22-13-4-5
 Affected: IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 24. (a) General. The values of Table 24 reflect the minimum scores of each building by existing building type for fire safety, means of egress and general safety. These mandatory safety scores reflect the minimum requirements for the existing building including any proposed compliance alternatives.

(b) Evaluation formulae. Using the building score totals from the building score sheet and the mandatory scores from Table 24 use the following formulae to determine compliance to this rule. A building must achieve a final score of not less than zero (0) in all three (3) categories to satisfy the requirements of this rule (675 IAC 12-8).

ADMINISTRATION

EVALUATION FORMULAE

Formula	Building Score Sheet*	Table 24	Pass/Fail
FS-MFS \geq 0	_____ (FS)	- _____ (MFS)	= _____
ME-MME \geq 0	_____ (ME)	- _____ (MME)	= _____
GS-MGS \geq 0	_____ (GS)	- _____ (MGS)	= _____

FS = Fire Safety

MFS = Mandatory Fire Safety

ME = Means of Egress

MME = Mandatory Means of Egress

GS = General Safety

MGS = Mandatory General Safety

*From building score sheet total values

MANDATORY SAFETY SCORES

TABLE 24

BUILDING TYPE	CATEGORIES		
	FIRE SAFETY	MEANS OF EGRESS	GENERAL SAFETY
1	10	24	24
2	5	19	19
3	9	21	21
4	17	29	29
5	17	29	29
6	28	40	40
7	26	53	53
8	23	35	35
9	23	35	35
10	26	53	53
11	38	65	65

(Fire Prevention and Building Safety Commission; 675 IAC 12-8-24; filed Dec 2, 1987, 2:22 pm: 11 IR 1284, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

Rule 9. Office of the State Fire Marshal; Permits

675 IAC 12-9-1 Purpose

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14

Sec. 1. The purpose of this rule (675 IAC 12-9) is to establish administrative procedures for the application, issuance and renewal of permits by the office of the state fire marshal. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-1; filed Feb 1, 1988, 2:17 pm: 11 IR 1790; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-9-2 Definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12-1; IC 22-14-3-2

Sec. 2. The definitions in this section apply only to this rule (675 IAC 12-9).

“Amusement” means the same as entertainment.

“Entertainment” means a performance or show designed to amuse or divert an assembly of persons.

“Place” means, in the context of a place of amusement or entertainment, either:

- (1) a building primarily classified or capable of being classified as a Group A Occupancy under the Indiana Building Code (675 IAC 13); or
- (2) a room classified or capable of being classified as a Group A Occupancy under the Indiana Building Code (675 IAC 13); or
- (3) a structure classified or capable of being classified as a Group A-4 Occupancy under the Indiana Building Code (675 IAC 13); or
- (4) a designated outdoor area upon which are installed or erected temporary or permanent regulated amusement devices as defined in 675 IAC 23-1-4.

“Regulated place of amusement or entertainment” means any of the following:

- (1) A theater, opera house, movie theater, dance hall, night club with a stage or floor show, or another place that offers an amusement or entertainment to the public for consideration or promotional purposes.
- (2) A place where a boxing exhibition is conducted under the supervision of the state boxing commission.
- (3) A hall, gymnasium, or place of assembly where a school, college, university, social or fraternal organization, lodge, farmers organization, society, labor union, trade association, or church holds any type of amusement.
- (4) A public or private place where a regulated amusement device is operated.

“Use” means, in the context of IC 22-14-3-2(b), a specified type of amusement or entertainment event intended by a permit applicant to be conducted at or in a regulated place of amusement or entertainment. (*Fire Prevention and Building Safety Commission; 675 IAC 12-9-2; filed Feb 1, 1988, 2:17 pm: 11 IR 1790; errata, 11 IR 2632; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-9-3 Amusement and entertainment permits

Authority: IC 22-12-6-6

Affected: IC 22-12-6-7; IC 22-14-3-2; IC 22-14-3-3

Sec. 3. (a) An applicant for an annual amusement and entertainment permit shall submit an application, with the applicable fee as set in IC 22-12-6-7, to the office of the state fire marshal on forms provided by that office. An application may be submitted as early as September 1 of the year preceding the calendar year for which a permit will cover. Each application shall provide the information required by IC 22-14-3-3 and the following:

- (1) A listing of each use, giving the days and hours of operation of regularly scheduled events and the dates and inclusive times of special events planned to be conducted in the calendar year for which a permit is to cover.
- (2) An attached floor plan or site plan showing the planned arrangement of other than fixed seating and the location of aisles, exit ways, barriers, steps, or other crowd movement or control facilities, equipment, signs, or personnel.
- (3) The maximum occupancy intended for both seated and standing attendees.
- (4) The name, address, and telephone number of the person to be contacted to arrange for inspections by the office of the state fire marshal.

(b) An applicant for a special event endorsement to an annual amusement and entertainment permit shall submit an application to the office of the state fire marshal on forms provided by that office. Each application shall provide the following information:

- (1) The permit number and address of the regulated place of amusement or entertainment for which an endorsement is sought.
- (2) The name, address, and telephone number of the applicant if different than the applicant for the annual permit.
- (3) The additional use, dates, and times of a special event not covered in the annual permit.
- (4) An additional floor or site plan for the special event if different than the plans submitted with the application for the annual permit.
- (5) The maximum occupancy intended for both seated and standing attendees.

(c) A permit issued under IC 22-14-3-2 and this section expires on December 31 in the year it is issued. (*Fire Prevention and Building Safety Commission; 675 IAC 12-9-3; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2237; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-9-4 Regulated explosives magazine permits

Authority: IC 22-13-2-13

Affected: IC 22-12

Sec. 4. (a) An applicant for an annual regulated explosives magazine permit shall submit an application to the office of the state fire marshal on forms provided by that office. An application may be submitted at any time to cover a period of one (1) year from the issue date. Each application shall provide the information required by IC 22-14-4-5 and the following:

- (1) The name, address and telephone number of the applicant.
- (2) The name, address and telephone number of the person exercising control over the explosives magazines if not the applicant.
- (3) Plans and specifications of the magazine construction, if necessary to perform the inspection required by IC 22-14-4-5(a)(2).

(b) The office of the state fire marshal shall determine that the type and number of explosives magazines to be covered by the permit are adequate to store the types and maximum quantities of explosives stated in the permit application. The determination shall be made in accordance with the Indiana fire prevention code under 675 IAC 22-2.

(c) The office of the state fire marshal shall make, or cause to be made, an inspection of explosives magazines for compliance with the Indiana fire prevention code under 675 IAC 22 prior to the issuance of the explosives magazine permit.

(d) Explosives magazines used in connection with analytical laboratories or laboratories operated by a college, university, school or educational entity for the purpose of instruction or research, are exempt from the permit requirements of this section. However, such laboratories must be approved by the office of the state fire marshal under the alternate criteria for explosive laboratory operations as established in the Indiana fire prevention code under 675 IAC 22. (*Fire Prevention and Building Safety Commission; 675 IAC 12-9-4; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2109; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-9-5 Permits for supervised public display of fireworks

Authority: IC 22-11-14-2

Affected: IC 22-12; IC 22-13; IC 22-14

Sec. 5. (a) An applicant for a permit to conduct a supervised public display of fireworks shall submit an application to the office of the state fire marshal on forms provided by that office. Applications must be received by the office not less than fifteen (15) calendar days prior to the date of display. Pursuant to IC 22-11-14-2, the application shall be accompanied by a brief resume of the fireworks display operator(s) experience in the preparation of the display, igniting or discharging of fireworks, implementing emergency procedures, and disposal of unfired or defective fireworks. A fireworks display operator who has been convicted for a violation of IC 22-11-14 may not be designated as an operator in a permit application within one (1) year after the date of conviction.

(b) A permit issued by the office of the state fire marshal shall not become effective until the chief of the fire department of the municipality in which the display is to be held has:

- (1) approved the operator of the display as qualified; and
- (2) has inspected the proposed site of the display to determine that the display will not be hazardous to property or persons.

(c) A person may not possess, transport, or deliver fireworks for a supervised public display unless a permit for that display has been issued by the office of the state fire marshal under this section.

(d) A permit issued under this section is not transferable. (*Fire Prevention and Building Safety Commission; 675 IAC 12-9-5; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2109; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-9-6 Fireworks stand retail sales permits

Authority: IC 22-11-14-7

Affected: IC 22-13; IC 22-14

Sec. 6. An applicant for a fireworks stand retail sales permit shall submit an application to the office of the state fire marshal on forms provided by that office. Each application shall provide the information required by IC 22-11-14-7 and evidence of incorporation under IC 23-7-1.1 as a not-for-profit corporation, if an exemption from the permit fee is claimed. (*Fire Prevention and Building Safety Commission; 675 IAC 12-9-6; filed Feb 1, 1988, 2:17 pm: 11 IR 1791; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-9-7 Certificate of compliance; wholesale fireworks

Authority: IC 22-12-6-6
 Affected: IC 22-11-14; IC 22-13-2-11

Sec. 7. (a) An applicant for a certificate of compliance, required by IC 22-11-14-5, for the sale of fireworks shall submit to the office of the state fire marshal the following:

- (1) A complete description of each firework item proposed to be shipped into Indiana.
- (2) A written certification that the fireworks are manufactured in accordance with IC 22-11-14-1.
- (3) A statement that identifies the applicant as a manufacturer, wholesaler, importer, or distributor and provides the location to which the shipment of fireworks is to be received within Indiana.

(b) No certificate of compliance shall be issued until the office of the state fire marshal determines, after inspection, that there is compliance with IC 22-11-14. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-7; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1792; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2237; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-9-8 Permit fees

Authority: IC 22-12-6-6
 Affected: IC 22-13-2-11

Sec. 8. Each application for a permit or certificate covered by this rule (675 IAC 12-9) shall be accompanied by a check for the amount of the fee established in the commission's fee schedule under 675 IAC 12-3. Checks shall be made payable to the Fire and Building Services Fund. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-8; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1792; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2238; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-9-9 Administrative adjudication

Authority: IC 22-13-2-13
 Affected: IC 4-21.5-3; IC 22-12; IC 22-14

Sec. 9. Any order granting or denying a permit or certificate governed by this rule (675 IAC 12-9) shall be issued by the office of the state fire marshal following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-9; filed Feb 1, 1988, 2:17 pm: 11 IR 1792; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

Rule 10. Building Regulations of State Agencies and Political Subdivisions

675 IAC 12-10-1 Purpose

Authority: IC 22-13-2-13
 Affected: IC 22-12; IC 22-13-2-2; IC 22-15-2-6

Sec. 1. The purpose of this rule is to establish administrative procedures and to provide instruction for state agencies and political subdivisions, having power to create building rules, equipment rules, or fire safety rules, as defined in 675 IAC 12-4-2, so as to prevent conflict, duplication, or overlap with the statewide code of building and fire safety laws adopted by the commission pursuant to IC 22-13-2-2. *(Fire Prevention and Building Safety Commission; 675 IAC 12-10-1; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1792; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-10-2 Definitions

Authority: IC 22-13-2-13
 Affected: IC 4-22-2; IC 22-12; IC 22-13-2-3; IC 36-1-5-4; IC 36-7-2-9

Sec. 2. The following definitions apply throughout this rule:

- (1) "Adopt by reference" means the same as incorporation by reference as the term is used in IC 22-13-2-3(b) and IC 36-1-5-4.
- (2) "Conflict" means a difference between two (2) or more building, fire safety or equipment rules involving the same subject.

(3) "Local building code" means the body of ordinances or regulations enacted by a political subdivision that incorporate by reference building rules required to be enforced at the local level of government by IC 36-7-2-9.

(4) "More detailed", when applied to provisions in rules of state agencies or ordinances of political subdivisions, means explanatory material that is related to but does not change the text or intent of a rule of the commission.

(5) "More stringent", when applied to provisions in rules of state agencies or ordinances of political subdivisions, means requirements that demand a level of design criteria or performance as to construction methods or materials, or imposes restrictions on the use of construction methods or materials not addressed in any provisions in a rule of the commission.

(6) "Political subdivision" means a city, town, or county.

(7) "State agency" means an agency of Indiana having statutory power to regulate buildings, structures, and other property by adoption of rules under IC 4-22-2.

(8) "Statewide code" means all rules of the commission adopted as building rules and fire safety rules.

(Fire Prevention and Building Safety Commission; 675 IAC 12-10-2; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1792; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-10-3 Rules of state agencies

Authority: IC 22-13-2-2

Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 3. (a) State agencies may incorporate by reference rules of the Commission for the purpose of avoiding conflict, duplication or overlap in rules made part of the Indiana Administrative Code. The Commission, on its own initiative, through the Division of Technical Services and Research, may review any proposed rule of a state agency as published in the Indiana Register for that purpose. The results of the Division's review if conflict, duplication or overlap is apparent, shall be furnished informally to the agency proponent of the rule and to the Office of the Attorney General prior to a scheduled public hearing on a proposed rule.

(b) If the Commission's review of a final rule of a state agency, as published in the Indiana Register, finds duplication, conflict, or overlapping of responsibility between:

(1) IC 22-12, IC 22-13, IC 22-14, IC 22-15; or

(2) a fire safety rule of the Commission; or

(3) a building rule of the Commission;

the Commission, at a regularly scheduled meeting, shall issue an order under IC 4-21.5-3-6 to that state agency to revise its rules as necessary to comply with IC 22-13-2-3 and IC 22-13-2-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, that order shall be deemed to have been a preliminary determination. *(Fire Prevention and Building Safety Commission; 675 IAC 12-10-3; filed Feb 1, 1988, 2:19 pm: 11 IR 1793; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-10-4 Local building codes of political subdivisions

Authority: IC 22-13-2-13

Affected: IC 22-13-2-3; IC 36-7-2-9

Sec. 4. (a) Political subdivisions may incorporate by reference building rules of the commission in local building codes established by ordinance in accordance with IC 22-13-2-3.

(b) Building rules adopted by the commission in 675 IAC 13, 675 IAC 14, 675 IAC 16, 675 IAC 17, 675 IAC 18, 675 IAC 19, 675 IAC 20, and 675 IAC 22 are collectively a code of building laws required to be enforced at the local level of government under IC 36-7-2-9. *(Fire Prevention and Building Safety Commission; 675 IAC 12-10-4; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1793; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-10-5 Local revisions to adopted building or equipment rules

Authority: IC 22-13-2-2

Affected: IC 22-13-2-3

Sec. 5. A political subdivision may desire to include, in its local building code, provisions that go into more detail or contain more stringent requirements than the statewide code. This option is conditioned, however, in that more stringent requirements may not conflict with the statewide code. The manner of establishing more detailed or more stringent requirements shall be by amendment

of specific provisions in the rules of the Commission as incorporated by reference in the same ordinance. Each amendment must refer to a corresponding section or sections of a rule of the Commission, and to section references in incorporated codes or standards as applicable. In such case, the adopted building rule, code or standard shall be identified in a particular edition and shall include a citation reference to a specific edition or supplement to the Indiana Administrative Code. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-5; filed Feb 1, 1988, 2:19 pm: 11 IR 1793; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-10-6 Required administrative provisions in local building code ordinances

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 4-21.5-3-7; IC 22-12; IC 22-13; IC 22-15; IC 36-7-2-9

Sec. 6. To carry out the requirements of IC 36-7-2-9, certain administrative provisions must be included in local building codes to obtain approval by the Commission under IC 22-13-2-5. These provisions include:

(1) An official or an agency of the political subdivision must be designated as being responsible to enforce the adopted code of building laws and orders issued under IC 22-13-2-11 and IC 22-12-7.

(2) It must provide that no building permit will be issued to a person that would cause a violation of IC 22-15-3-7.

(3) It must specifically refer to the administrative review of locally issued orders or variances provided for by IC 22-13-2-7.

(4) It must state that the local building code does not apply to an industrialized building system or mobile structure that is certified under IC 22-15-4.

(5) It must provide an effective date for the ordinance not earlier than the date upon which the Commission grants its approval.

(*Fire Prevention and Building Safety Commission; 675 IAC 12-10-6; filed Feb 1, 1988, 2:19 pm: 11 IR 1793; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-10-7 Other local building regulations

Authority: IC 22-13-2-2

Affected: IC 22-12-1; IC 22-13-2-5; IC 36-7

Sec. 7. (a) Political subdivisions may establish minimum housing standards or other building regulations by ordinance under IC 36-7-2 or IC 36-7-8. Where such standards or regulations affect construction, repair, or maintenance of Class 1 or Class 2 structures, the establishing ordinances are building laws as defined in IC 22-12-1-3 and are building rules as defined in 675 IAC 12-4-2. Such ordinances are subject to approval by the Commission under IC 22-13-2-5 before they can become effective.

(b) For the purpose of this rule (675 IAC 12-10) minimum housing standards that prescribe minimum conditions for human habitation in existing dwellings that are less stringent than comparable standards for new construction, are not in conflict with the rules of the Commission.

(c) For the purposes of this rule (675 IAC 12-10) standards contained in land use regulations, such as zoning or subdivision regulations, that are more restrictive with respect to building height, area, or distance from property lines than comparable standards for new construction, are not in conflict with the rules of the Commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-7; filed Feb 1, 1988, 2:19 pm: 11 IR 1794; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-10-8 Ordinance approval procedure

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-13-4-5

Sec. 8. The commission's program for review of adopted ordinances of cities, towns, or counties submitted for approval by the commission under IC 22-13-4-5, will be conducted at the staff level by the Division of Technical Services and Research (division) as follows:

(1) A request may be made to the division for preliminary staff review at any time. The results of the staff review will be furnished to the requester within a reasonable time.

(2) A submission by a political subdivision for approval of an ordinance by the commission, shall include two (2) copies of an adopted ordinance, and must be filed with the commission. The staff will place the submission on the agenda for the first commission meeting scheduled later than five (5) working days subsequent to the receipt of the submission.

(3) The commission's order approving the ordinance shall be issued following the requirements of IC 4-21.5-3-4. If a petition

for review is subsequently granted under IC 4-21.5-3-7, that order shall be deemed merely to have been a preliminary determination.

(4) One (1) copy of each approved ordinance, endorsed by the chairman of the commission, shall be returned to the submitter with the order approving the ordinance.

(Fire Prevention and Building Safety Commission; 675 IAC 12-10-8; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1794; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-10-9 Local inspection programs

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-15-2-6; IC 36-1-7-2; IC 36-7-8-7

Sec. 9. (a) A political subdivision that has enacted and put into effect a local building code in accordance with this rule, or has arranged for inspection services to be performed by another political subdivision under IC 36-7-8-7 or IC 36-1-7-2, shall be deemed to have established a program to periodically inspect construction provided a written statement from the chief executive officer of the political subdivision furnishing inspection services is filed with the office of the state building commissioner containing the following:

(1) The name and address of the person or office to which design releases and other notices or orders of the office of the state building commissioner should be sent.

(2) The names of all inspectors appointed to enforce the local building code and the assigned scope of each inspector's responsibility for the adopted building rules of the commission.

(3) If applicable, the name of other political subdivisions for which inspection services are being provided.

(b) Any changes in the factual content of the written statement required in subsection (a), shall be submitted to the office of the state building commissioner within thirty (30) days of the date of change.

(c) If the office of the state building commissioner determines that the requirements of this section are no longer being met by a political subdivision, the commissioner shall give written notice of the determination to the chief executive officer of that political subdivision. The construction inspection fee established in 675 IAC 12-3-6 shall become payable for design releases issued after the date of such notice. *(Fire Prevention and Building Safety Commission; 675 IAC 12-10-9; filed Feb 1, 1988, 2:18 p.m.: 11 IR 1795, eff Apr 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

Rule 11. Statewide Fire and Building Safety Education Fund

675 IAC 12-11-1 Definitions

Authority: IC 22-12-6-3

Affected: IC 22-12-6-3; IC 22-12-6-6

Sec. 1. (a) As used in this rule, "approved building department" means the building regulatory agency of a political subdivision that meets the local inspection program requirements of 675 IAC 12-10-9.

(b) As used in this rule, "building official" means the local government official who administers a local building department education plan.

(c) As used in this rule, "department" means the fire and building services department established by IC 22-12-5-1 *[IC 22-12-5 was repealed by P.L.22-2005, SECTION 56, effective April 15, 2005.]*

(d) As used in this rule, "division" means the division of education and information established by IC 22-12-5-1(5) *[IC 22-12-5 was repealed by P.L.22-2005, SECTION 56, effective April 15, 2005.]*

(e) As used in this rule, "fire official" means the local government official who administers a fire prevention program.

(f) As used in this rule, "fund" means the statewide fire and building safety education fund established by IC 22-12-6-3.

(g) As used in this rule, "inspector" means a person employed by a local government to perform inspections to obtain compliance with the rules of the commission.

(h) As used in this rule, "provider" means a person or organization that provides a course or program within the scope of the division's educational and training programs as authorized under IC 22-12-5-6 *[IC 22-12-5 was repealed by P.L.22-2005, SECTION 56, effective April 15, 2005.]* *(Fire Prevention and Building Safety Commission; 675 IAC 12-11-1; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1048, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the*

secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-11-2 Purpose

Authority: IC 22-12-6-3
Affected: IC 22-12-6-6

Sec. 2. (a) The fund is established to pay all or part of the enrollment fees charged for educational training courses, seminars, or other programs of the department on behalf of local government inspectors whose applications for financial assistance are approved.

- (b) Enrollment fees may include the following:
- (1) Tuition or course fees.
 - (2) Registration fees.
 - (3) Lab fees.
 - (4) Cost of individual course materials, such as books or equipment.
 - (5) A pro rata share of instructor honoraria, if applicable.
- (c) Enrollment fees may not include the following:
- (1) Inspector travel expenses.
 - (2) Lodging costs.
 - (3) Cost of meals.
 - (4) Parking fees.

(Fire Prevention and Building Safety Commission; 675 IAC 12-11-2; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1049, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-11-3 Eligibility for assistance

Authority: IC 22-12-6-3
Affected: IC 22-12-6-6

Sec. 3. (a) The eligibility requirements to qualify for payment of enrollment fees from the fund are as follows:

- (1) The applicant is a full- or part-time inspector in an approved building department or is a full- or part-time paid or volunteer fire inspector in an established fire department of a political subdivision.
- (2) The applicant has obtained approval from a building or fire official, as appropriate, including a statement that completion of a specified course or program of the department is an element of a local building or fire department education plan on file with the division.

(b) Meeting the eligibility requirements of itself does not assure that an application for assistance will be approved. The fund may not be adequate to finance all applications for specific programs within an annual budget. *(Fire Prevention and Building Safety Commission; 675 IAC 12-11-3; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1049, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-11-4 Application for financial assistance

Authority: IC 22-12-6-3
Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12-6-6

Sec. 4. (a) Applications for payment of enrollment fees may be made by eligible inspectors on forms provided by the division.
(b) Applications must be received by the division on or before the submission date printed on the application form.

(c) The division director shall evaluate all applications for completeness, timeliness, and conformance with published instructions. Each application shall be further evaluated by the division director with consideration of the local building or fire department education plan. The director may rank the applications in order of perceived need, merit, benefit to the local community, amount of previous assistance, or other factors deemed to produce a distribution of available funds for the greatest good. The director may seek impartial assistance in the evaluation process from other departmental employees.

(d) The division director shall maintain a list of applicants selected for payment of enrollment fees, the amount of each payment, and the name of the provider to whom payment is to be made.

(e) The order granting or denying an application for financial assistance shall be issued by the director of the division following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 12-11-4; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1049, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-11-5 Revocation of financial assistance

Authority: IC 22-12-6-3

Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 22-12-6-6

Sec. 5. (a) The division director may withhold all or part of any payment from the fund on behalf of any inspector who fails to meet the attendance standards of the provider for a particular course or program.

(b) The order revoking an authorization for payment shall be issued under the requirements of IC 4-21.5-3-6. If the petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 12-11-5; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-11-6 Local building or fire department education plan

Authority: IC 22-12-6-3

Affected: IC 22-12-6-6

Sec. 6. (a) Each approved building department or fire department that desires to enroll inspectors with financial assistance from the fund must have on file with the division director an education plan. The plan should identify all eligible inspectors and their duties, record of prior training, educational background, and other information that the building or fire official deems appropriate.

(b) The division director may provide assistance to local officials in preparation of local education plans. *(Fire Prevention and Building Safety Commission; 675 IAC 12-11-6; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-11-7 Budget

Authority: IC 22-12-6-3

Affected: IC 22-12-6-6

Sec. 7. (a) The division director shall prepare a proposed annual budget for each fiscal year. The proposed budget document shall include a recommended curricula of courses and estimated costs to be financed from the fund.

(b) The proposed budget document is subject to final approval by the executive director of the department and the state budget agency. *(Fire Prevention and Building Safety Commission; 675 IAC 12-11-7; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-11-8 Reports

Authority: IC 22-12-6-3

Affected: IC 22-12-6-6

Sec. 8. (a) The division director shall prepare an annual report at the end of each fiscal year covering the following:

- (1) Curricula.
- (2) Enrollment statistics.

- (3) Summary of student evaluations.
- (4) Programmed and actual expenditures.
- (5) Recommendations for program changes.

(b) The executive director of the department shall submit the annual report to the fire prevention and building safety commission with recommendations for changes in administrative rules or level of funding under 675 IAC 12-3-7. (*Fire Prevention and Building Safety Commission; 675 IAC 12-11-8; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-11-9 Records

Authority: IC 22-12-6-3
Affected: IC 22-12-6-6

Sec. 9. (a) The division director shall maintain a record of all receipts and expenditures of the fund.

(b) The division director shall maintain performance and attendance records of inspectors enrolled in departmental programs that may be used in any voluntary accreditation program of the division or a provider.

(c) The division director shall send an attendance or performance report to the building or fire official of each political subdivision that has enrolled inspectors under the program. (*Fire Prevention and Building Safety Commission; 675 IAC 12-11-9; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

Rule 12. Underground Storage Tank Certification Program

675 IAC 12-12-1 Authority; definitions

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-11-2-241; IC 13-23-3

Sec. 1. (a) This section is adopted in accordance with IC 13-23-3-1 through IC 13-23-3-4.

(b) The following definitions apply throughout this rule:

- (1) "Examination" means a written set of questions approved by the office of the state fire marshal.
- (2) "Decommissioning" means the removal or closure of an underground storage tank.
- (3) "Owner" has the same meaning as set forth in 675 IAC 22.
- (4) "Performance bond" means a document that establishes a guaranty obligation in a stated dollar amount to pay the costs of the installation, retrofitting, testing, cathodic protection, or decommissioning of one (1) or more underground storage tanks.
- (5) "Person" has the same meaning as set forth in 675 IAC 22.
- (6) "Underground storage tank" has the same meaning as set forth in IC 13-11-2-241.

(*Fire Prevention and Building Safety Commission; 675 IAC 12-12-1; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1006; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-12-2 Purpose

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3

Sec. 2. The purpose of this rule is to establish procedures for the office of the state fire marshal to administer a certification program for persons who supervise, manage, or direct underground storage tank:

- (1) installation or retrofitting;
- (2) testing;
- (3) cathodic protection procedures; or
- (4) decommissioning.

(*Fire Prevention and Building Safety Commission; 675 IAC 12-12-2; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992,*

11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-12-3 Application for certification

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3

Sec. 3. (a) A person who supervises, manages, or directs the installation, retrofitting, testing, cathodic protection, or decommissioning of underground storage tanks shall submit evidence to the office of the state fire marshal that the person has successfully completed applicable examinations administered by:

- (1) the International Fire Code Institute; or
- (2) another independent testing agency whose examinations have been approved by the office of the state fire marshal as being substantially similar.

(b) Renewal procedures pertaining to the certification examinations shall be as set forth in IC 13-23-3-4(a). A certificate expires two (2) years from the date a person successfully completes the examination referenced in subsection (a).

(c) Passing scores and retest requirements for the certification examinations shall be as set forth in section 3.1 of this rule.

(d) Examination subjects are those as set forth in section 2 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-3; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1009; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-12-3.1 Certification examination

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3

Sec. 3.1. (a) The passing score for each module shall be seventy percent (70%).

(b) There shall be no limit on the number of times a person may be examined on any module, nor any waiting period required before reapplying for examinations for any module. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-3.1; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; errata filed Feb 2, 1998, 8:30 a.m.: 21 IR 2129; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-12-4 Issuance of certificate

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3

Sec. 4. (a) Unless grounds exist to deny a certificate under IC 13-23-3-3(b), the office of the state fire marshal shall issue a certificate to a person who:

- (1) passes one (1) or more of the certification examination subjects under section 2 of this rule; and
- (2) pays a certificate issuance fee of twenty-five dollars (\$25) payable to the fire and building services fund.

(b) A person who had a certificate revoked under IC 13-23-3-3(b) may obtain a certificate from the office of the state fire marshal only if the person files a performance bond in an amount prescribed in section 6 of this rule.

(c) A certificate shall identify which certification examination subjects were passed, and is valid only for work within the scope of those subjects.

(d) A certificate issued under subsection (a) expires two (2) years from the date the person successfully completes the examination to qualify to obtain a certificate.

(e) Upon payment of the required fee, as specified in subsection (a), any person who is certified or licensed to supervise, manage, or direct underground storage tank installation, retrofitting, testing, cathodic protection, or decommissioning in another state shall, without examination, be granted a certificate, provided the following:

- (1) The person submits an application for reciprocity.
- (2) No such person shall be granted a certificate in a category the person is not certified for in another state.
- (3) The requirements for licensing in such other state are substantially similar to the requirements in force in Indiana.

(f) The division of education and information shall submit to the office of the state fire marshal documented evidence that the certification or licensing is substantially similar to Indiana's underground storage tank certification examination. The office of the

state fire marshal shall grant or deny the certification. Application forms for reciprocity shall be provided by the office of the state fire marshal. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-4; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-12-5 Orders; sanctions; appeals

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 4-21.5-3-7; IC 22-12-7

Sec. 5. (a) The office of the state fire marshal may issue orders under IC 22-12-7-4 to require a person to cease and correct any violation of the laws and rules pertaining to the installation, retrofitting, testing, cathodic protection, or decommissioning of underground storage tanks.

(b) The office of the state fire marshal may impose sanctions, with respect to certificates issued under section 4 of this rule, as described in IC 22-12-7-7 and IC 13-23-3-3.

(c) A person who is aggrieved by an order of the office of the state fire marshal may request an informal hearing under IC 22-12-7-12 or may appeal by filing a petition for review of the order under IC 4-21.5-3-7. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-5; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-12-6 Performance bond

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3-3

Sec. 6. If a person files a performance bond with an application for a certificate under IC 13-23-3-3(c), the amount of the bond shall be equal to the dollar value of a single contract awarded to the person for the installation, retrofitting, testing, cathodic protection, or decommissioning of one (1) or more underground storage tanks at a particular location. The office of the state fire marshal shall act only as a custodian and shall not be obligee of the bond. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-6; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-12-7 Display of certificate

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3

Sec. 7. The person who supervises, manages, or directs the installation, retrofitting, testing, cathodic protection, or decommissioning of an underground storage tank shall display or produce a valid certificate or copy thereof, which was issued by the office of the state fire marshal under this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-7; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

Rule 13. Conversion of Existing Buildings

675 IAC 12-13-1 Purpose

Authority: IC 22-13-4-5
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. This rule provides for the economically efficient reuse of buildings and other structures. This rule also provides a means to evaluate the adequacy of fire and life safety systems in an existing building for a new use group or a division within a use group. Use groups are classified under 675 IAC 13. (*Fire Prevention and Building Safety Commission; 675 IAC 12-13-1; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2586, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-11 was filed Jul 23, 1992.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530*)

675 IAC 12-13-2 Application

Authority: IC 22-13-4-5

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 2. (a) This rule applies to existing buildings, when specifically requested by the building owner or his or her agent, at the time of an application for a design release under 675 IAC 12-6. Upon receipt of such request, the offices of the state building commissioner and the state fire marshal shall have the plans, if any, and an inspection report for conversion reviewed for conformance with the requirements of this rule. If conformance is achieved, a design release for the conversion shall be issued. Full compliance with all applicable rules of the commission shall be required for all construction work done to accomplish the conversion.

(b) An application and supporting documents for a design release under this rule must demonstrate all of the following:

- (1) The total building floor area, excluding basements, does not exceed three thousand (3,000) square feet.
- (2) The building does not exceed three (3) stories in height, excluding basements.
- (3) Basements and third floor areas shall not be used by the public.
- (4) The building occupant load shall not exceed the number permitted for new construction in the planned use group classification.
- (5) The minimum width of stairways to be used by the public shall be thirty-six (36) inches.
- (6) The restrictions in this rule are acceptable and shall be conditions of a design release or other order of the office of the state building commissioner.
- (7) The new use group must meet the same requirements for exit width, arrangement of exits, illumination of exits, exit signs, and smoke detection as required for new construction.
- (8) Buildings converted to use Group R-1 shall be in full compliance with the plumbing, mechanical, and electrical provisions of the commission's rules for the new use or occupancy.

(Fire Prevention and Building Safety Commission; 675 IAC 12-13-2; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2586, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-13-3 Permitted conversions

Authority: IC 22-13-4-5

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 3. (a) A detached single family dwelling may be converted to use group B, F-1, M, S-1, or S-2 as:

- (1) office use with no floor loads in excess of thirty (30) pounds per square foot;
- (2) retail sales use with storage areas limited to floor loads not in excess of thirty (30) pounds per square foot; or
- (3) other storage uses with no floor loads in excess of thirty (30) pounds per square foot.

(b) A detached single family dwelling may be converted to use group A-3 having an occupant load of one hundred (100) or less, limited to the first floor level and having two (2) exits to a public way. Floor loads shall not exceed thirty (30) pounds per square foot.

(c) A group B, F-1, M, S-1, or S-2 building may be converted to:

- (1) use group S-3; or
- (2) use group A-3 having an occupancy load of one hundred (100) or less and having two (2) exits to a public way.

(d) A detached one (1) or two (2) family dwelling may be converted to a use group R-1 apartment building or use group R-3 lodging house.

(e) A detached single family dwelling may be converted to a mixed use group M/R or B/R. *(Fire Prevention and Building Safety Commission; 675 IAC 12-13-3; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2587, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1009; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-13-4 Inspection

Authority: IC 22-13-4-5

Affected: IC 22-14; IC 22-15

Sec. 4. (a) Prior to issuance of a design release for conversion of a building under this rule, the state building commissioner shall cause the building to be inspected with regard to the existing condition and proposed construction or alterations work. The same inspection fee established in 675 IAC 12-3-11 for inspections under 675 IAC 12-8-3(a) is established for inspections under this rule. The inspection fee shall be paid to the fire and building services fund prior to any inspection.

(b) Inspection of work in progress shall be performed by local units of government that require conformance with the building rules of the commission. The office of the state building commissioner may also perform inspections for the same purpose. *(Fire Prevention and Building Safety Commission; 675 IAC 12-13-4; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2587, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

Rule 14. Firefighting and Emergency Equipment Revolving Loan Fund

675 IAC 12-14-1 Definitions

Authority: IC 22-13-2-2; IC 22-14-5

Affected: IC 22-12-1-18.7; IC 22-12-1-23.3; IC 36-8-12-2

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Office" means the office of the state fire marshal.

(c) "Personal protective equipment" means any of the following:

(1) Protective:

- (A) coats;
- (B) trousers;
- (C) coveralls;
- (D) footwear;
- (E) gloves; and
- (F) hoods.

(2) Proximity protective:

- (A) coats;
- (B) trousers;
- (C) coveralls;
- (D) footwear;
- (E) gloves; and
- (F) hoods.

(3) Emergency medical:

- (A) garments;
- (B) face protection devices; and
- (C) gloves.

(4) Helmets.

(5) Self-contained breathing apparatus.

(6) Vapor protective suits.

(7) Liquid splash-protective suits.

(8) Chemical-protective clothing.

(d) "Qualified entity" means the term as defined in IC 22-12-1-18.7.

(e) "Revolving fund" means the firefighting and emergency equipment revolving loan fund established by IC 22-14-5. *(Fire Prevention and Building Safety Commission; 675 IAC 12-14-1; filed May 29, 1997, 2:40 p.m.: 21 IR 395; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-14-2 Use of loan proceeds

Authority: IC 22-13-2-2; IC 22-14-5

Affected: IC 22-12-1-18.7; IC 22-12-1-23.3; IC 22-14-5-9; IC 36-8-12-2

Sec. 2. Other allowable incidental expenses under IC 22-14-5-9(1) may include the cost of accounting or other professional services incurred by the qualified entity in obtaining a loan from the revolving fund. *(Fire Prevention and Building Safety Commission; 675 IAC 12-14-2; filed May 29, 1997, 2:40 p.m.: 21 IR 396; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-14-3 Application process

Authority: IC 22-13-2-2; IC 22-14-5

Affected: IC 4-21.5-3-7; IC 22-12-1-18.7; IC 22-12-1-23.3; IC 36-8-12-2

Sec. 3. (a) A qualified entity may apply for a loan from the revolving fund on the application form provided by the office. The office shall make application forms available upon request.

(b) Upon receipt of the properly completed and executed application, the office shall review the application and notify the qualified entity of the approval or disapproval of the application. For purposes of this subsection, an application shall not be deemed complete until the office has received all documents required under section 5 of this rule.

(c) In the event the loan is disapproved, the qualified entity shall be given written notice by the office.

(d) A qualified entity may appeal the disapproval of any loan application to the commission in accordance with the provisions of IC 4-21.5-3-7. *(Fire Prevention and Building Safety Commission; 675 IAC 12-14-3; filed May 29, 1997, 2:40 p.m.: 21 IR 396; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

675 IAC 12-14-4 Loan terms and conditions

Authority: IC 22-13-2-2; IC 22-14-5

Affected: IC 22-12-1-18.7; IC 22-12-1-23.3; IC 22-14-5-9; IC 36-8-12-2

Sec. 4. (a) Upon approval of the application by the office and before delivery of the loan proceeds, the qualified entity, by its designated officers, shall execute a promissory note, a loan and security agreement, and such other documents as are necessary to ensure that the transaction is legal, valid, binding, and enforceable.

(b) The terms and conditions of the promissory note and loan and security agreement shall include, but not be limited to, the following:

(1) A covenant as to the exclusive purpose of the loan pursuant to IC 22-14-5-9(1).

(2) The grant to the office by the qualified entity of a security interest in the equipment and apparatus purchased with the loan proceeds, for the balance of the loan, accrued interest, penalties, and collection expenses.

(3) A repayment period not to exceed seven (7) years.

(4) An interest rate set by the board of finance that is not more than two percent (2%) below the prime bank lending rate prevailing on the date the loan was approved by the office.

(5) If any deferral of principal is allowed, such period shall not exceed two (2) years.

(6) If repayment is limited to a specific revenue source of the qualified entity, the repayment shall not be a general obligation of the qualified entity and shall be payable solely from the specified revenue source.

(7) There shall be no prepayment penalty for payment of the loan sooner than required by the terms of the promissory note.

(8) The amount and frequency of the installment payments, including the principal and interest, together with the address to which the payments are to be delivered.

(9) One (1) or more covenants with respect to the qualified entity's continuing obligation to provide the following to the office:

(A) Signed purchase orders and other documentation evidencing the qualified entity's obligation to purchase the equipment and apparatus that is to be purchased with the loan proceeds.

(B) Canceled checks or other documentation evidencing payment by the qualified entity to the seller of the equipment and apparatus that is to be purchased with the loan proceeds.

(C) Delivery receipts and other documentation, including, where applicable, motor vehicle title documentation, evidencing the receipt by the qualified entity of the equipment and apparatus that is to be purchased with the loan proceeds.

(10) Such representations and warranties as may be necessary to ensure that the promissory note and the loan and security agreement are legal, valid, binding, and enforceable.

(Fire Prevention and Building Safety Commission; 675 IAC 12-14-4; filed May 29, 1997, 2:40 p.m.: 21 IR 396; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-14-5 Form of application

Authority: IC 22-13-2-2; IC 22-14-5

Affected: IC 22-12-1-18.7; IC 22-12-1-23.3; IC 36-8-12-2

Sec. 5. (a) The application shall contain at least the following information:

(1) Name, address, telephone number, federal employer identification number, and, where applicable, state nonprofit identification number of the qualified entity.

(2) Name, title, address, and telephone number of contact person for the qualified entity.

(3) Names of governmental units, if any, with which the qualified entity has contracted to provide fire protection or emergency services.

(4) Organizational structure of the qualified entity.

(5) Where applicable, the tax exempt status of the qualified entity for both state and federal income tax purposes.

(6) Amount of loan requested and purpose.

(7) A description of the equipment and/or apparatus to be purchased and whether or not it is new or used.

(8) Specific source of repayment revenue.

(9) Statement of need.

(10) Name of person authorized to execute loan documents.

(11) The total assessed property tax value of the qualified entity or the total assessed property tax value of those areas for which the qualified entity actually provides fire protection or other emergency services.

(12) The total population of the qualified entity, based on the most recent census performed by the United States Census Bureau, or the total population of those areas for which the qualified entity actually provides fire protection or other emergency services, based on the most recent census performed by the United States Census Bureau.

(13) The total amount of the qualified entity's last calendar year budget, or last fiscal year budget if the qualified entity does not operate on a calendar year basis, that was spent on firefighting or emergency equipment or apparatus, including, without limitation, personal protective equipment.

(b) Attachments to the loan application shall include the following:

(1) Certified copy of the qualified entity's organizational documents, such as its constitution or articles of incorporation, or applicable statute or ordinance or other law creating the qualified entity.

(2) If operated by a governmental entity, a copy of the resolution of the legislative body of the unit creating the qualified entity.

(3) If the qualified entity is a nonprofit corporation, a copy of its bylaws and a certificate of existence from the corporations division of the office of the secretary of state of Indiana.

(4) A resolution of the governing body of the qualified entity authorizing the application for the loan, designation of authorized signatory, and execution of all documents necessary to the consummation of the loan.

(5) A verified financial statement of the qualified entity, signed by the chief financial officer, showing the income, expenses, assets, liabilities, and sources of income of the qualified entity as of the date of the application, and for the previous three (3) annual accounting periods.

(6) A copy of the contract, bid specifications, or proposal for purchase of the equipment and/or apparatus to be purchased with the loan proceeds.

(Fire Prevention and Building Safety Commission; 675 IAC 12-14-5; filed May 29, 1997, 2:40 p.m.: 21 IR 397; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

675 IAC 12-14-6 Loan priority rating system

Authority: IC 22-13-2-2; IC 22-14-5

Affected: IC 22-12-1-18.7; IC 22-12-1-23.3; IC 36-8-12-2

Sec. 6. The loan priority rating system shall consist of a point system based on the number of points allocated to the qualified entity using the following criteria:

(1) The total assessed property tax value of the qualified entity, or the total assessed property tax value of those areas for which the qualified entity actually provides fire protection or other emergency services. A total of fifty (50) points shall be allocated to this criterion as follows:

(A) \$7,000,000 or less, 50 points.

ADMINISTRATION

- (B) \$7,000,001 to \$7,500,000, 47 points.
- (C) \$7,500,001 to \$8,000,000, 44 points.
- (D) \$8,000,001 to \$8,500,000, 41 points.
- (E) \$8,500,001 to \$9,000,000, 38 points.
- (F) \$9,000,001 to \$9,500,000, 35 points.
- (G) \$9,500,001 to \$10,000,000, 32 points.
- (H) \$10,000,001 to \$10,500,000, 29 points.
- (I) \$10,500,001 to \$11,000,000, 26 points.
- (J) \$11,000,001 to \$11,500,000, 23 points.
- (K) \$11,500,001 to \$12,000,000, 20 points.
- (L) \$12,000,001 to \$12,500,000, 17 points.
- (M) \$12,500,001 to \$13,000,000, 14 points.
- (N) \$13,000,001 to \$13,500,000, 11 points.
- (O) \$13,500,001 to \$14,000,000, 8 points.
- (P) \$14,000,001 to \$14,500,000, 5 points.
- (Q) \$14,500,001 to \$15,000,000, 2 points.
- (R) Over \$15,000,000, 0 points.

(2) The total population of the qualified entity, based on the most recent census performed by the United States Census Bureau, or the total population of those areas for which the qualified entity actually provides fire protection or other emergency services, based on the most recent census performed by the United States Census Bureau. A total of twenty (20) points shall be allocated to this criterion as follows:

- (A) 500 or less, 20 points.
- (B) 501–1,500, 19 points.
- (C) 1,501–2,500, 18 points.
- (D) 2,501–3,500, 17 points.
- (E) 3,501–4,500, 16 points.
- (F) 4,501–5,500, 15 points.
- (G) 5,501–6,500, 14 points.
- (H) 6,501–7,500, 13 points.
- (I) 7,501–8,500, 12 points.
- (J) 8,501–9,500, 11 points.
- (K) 9,501–10,500, 10 points.
- (L) 10,501–11,500, 9 points.
- (M) 11,501–12,500, 8 points.
- (N) 12,501–13,500, 7 points.
- (O) 13,501–14,500, 6 points.
- (P) 14,501–15,500, 5 points.
- (Q) 15,501–16,500, 4 points.
- (R) 16,501–17,500, 3 points.
- (S) 17,501–18,500, 2 points.
- (T) More than 18,500, 0 points.

(3) The total amount of the qualified entity's last calendar year budget, or last fiscal year budget if the qualified entity does not operate on a calendar year basis, that was spent on the acquisition of firefighting or emergency equipment or apparatus, including, without limitation, personal protective equipment. A total of thirty (30) points shall be allocated to this criterion as follows:

- (A) \$2,000 or less, 30 points.
- (B) \$2,001–\$3,000, 28 points.
- (C) \$3,001–\$4,000, 26 points.
- (D) \$4,001–\$5,000, 24 points.
- (E) \$5,001–\$6,000, 22 points.
- (F) \$6,001–\$7,000, 20 points.

ADMINISTRATION

- (G) \$7,001–\$8,000, 18 points.
- (H) \$8,001–\$10,000, 16 points.
- (I) \$10,001–\$12,000, 14 points.
- (J) \$12,001–\$14,000, 12 points.
- (K) \$14,001–\$16,000, 10 points.
- (L) \$16,001–\$18,000, 8 points.
- (M) \$18,001–\$20,000, 6 points.
- (N) \$20,001–\$22,000, 4 points.
- (O) \$22,001–\$24,000, 2 points.
- (P) More than \$24,001, 0 points.

(Fire Prevention and Building Safety Commission; 675 IAC 12-14-6; filed May 29, 1997, 2:40 p.m.: 21 IR 397; errata filed Apr 15, 1998, 10:30 a.m.: 21 IR 3367; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)

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