

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 fire marshal or the building law compliance officer 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA*)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA)

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 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 building law compliance officer has the statutory authority to issue a written interpretation of a building law in accordance with 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

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) The public hearing on a rule may be conducted by:

(1) any employee of the department; or

(2) 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. 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

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 division notwithstanding the repeal or amendment of any rule before the date the construction work is actually done. Accordingly, any enforcement action taken by the division 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), the 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 before the actual construction work being done, provided that an appropriate addenda and revision design release are 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:

(1) the rules may change during the course of construction on a particular project; and

(2) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

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 the building or structure complies with, or is made to comply with the:

(1) current rules of the commission for new construction for the proposed revised use of the building; or

(2) provisions of:

(A) Chapter 34 of the Indiana Building Code (675 IAC 13-2.5-32); or

(B) 675 IAC 12-13.

Exception: Buildings constructed before the April 30, 1998, effective date of the 1998 Indiana Building Code (675 IAC 13-2.3) that change occupancy classification shall not be considered as a change in occupancy as outlined as follows:

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Previous Classification	1998 IBC Classification
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 division may conduct an inspection to determine that:

- (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 classrooms for fewer 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:

- (1) Class I child care homes.
- (2) 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:
 - (A) be fully operational; and
 - (B) 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:

- (A) tested at least monthly; and
- (B) 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 the following:

- (A) Procedures to be followed in case of emergencies.

(B) The locations of exits.

(C) Gathering places 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:

(A) showing the dates that people will be using the building for a residential occupancy; and

(B) 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.

(B) The organization that uses the structure for residential purposes.

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

(A) entity that operates the facility for nonresidential purposes; or

(B) 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 the:

(A) entity that operates the facility for nonresidential purposes; or

(B) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; filed Mar 18, 2008, 2:34 p.m.: 20080423-IR-675070476FRA, eff 90 days after filing with the Publisher)

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:

(1) heating;

(2) ventilating;

(3) air conditioning;

(4) electrical;

(5) plumbing;

(6) sanitary;

(7) emergency detection;

(8) emergency communication; or

(9) 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:

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(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:

- (1) heating;
- (2) ventilating;
- (3) air conditioning;
- (4) electrical;
- (5) plumbing;
- (6) sanitary;
- (7) emergency detection;
- (8) emergency communication; or
- (9) 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:

- (1) height;
- (2) number of stories; or
- (3) 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:

- (1) height;
- (2) number of stories; and
- (3) 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:

- (1) heating;
- (2) ventilating;
- (3) air conditioning;
- (4) electrical;
- (5) plumbing;
- (6) sanitary;
- (7) emergency detection;
- (8) emergency communication; or
- (9) 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 under Chapter 24 of the Indiana Building Code, 675 IAC 13, 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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; filed Oct 27, 2009, 2:36 p.m.: 20091125-IR-675090186FRA)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA)*

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:

- (1) maintained the conditions sought to be legalized by a variance; and
- (2) 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) "Completed application" means an application for variance that contains all of the information and documentation required under section 5 of this rule.

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

(f) "Historically significant" means any structure that is important to the:

- (1) general;
- (2) archaeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;
- (8) industrial; or
- (9) cultural;

history of the United States or of Indiana.

(g) "Staff" or "commission's staff" means personnel of the department who serve as staff for the commission.

(h) "Undue hardship" means unusual difficulty in meeting the requirements of the rules of the commission because of any of the following:

- (1) Physical limitations of a construction site or its utility services.
- (2) Major operational problems in the use of a building or structure.
- (3) 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)