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675 IAC 12-1-1 Definitions *(Repealed)*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 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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675 IAC 12-1-2 Legislative authority *(Repealed)*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 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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675 IAC 12-1-3 Title *(Repealed)*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 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2698, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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675 IAC 12-1-4 Purpose *(Repealed)*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 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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675 IAC 12-1-5 Standard statewide building code *(Repealed)*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 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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675 IAC 12-1-6 Classification of rules *(Repealed)*

Sec. 6 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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675 IAC 12-1-7 Applicability *(Repealed)*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 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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675 IAC 12-1-8 Application to existing buildings, structures and systems *(Repealed)*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 *(Repealed by Fire Prevention and Building Safety Commission; filed Jul 17, 1987, 2:30 pm: 10 IR 2699, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule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 following:

(1) The commission.

(2) The division.

(b) This article is available at the Division of Fire and Building Safety, 302 West Washington Street, Room W246, 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 is to provide for administrative procedures and general provisions for the following:

(1) The commission.

(2) The division.

(Fire Prevention and Building Safety Commission; 675 IAC 12-1.1-2; 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.]; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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. IC 22-11 through IC 22-15 establish the authority, power, and duties of the following:

(1) The commission.

(2) The division.

(Fire Prevention and Building Safety Commission; 675 IAC 12-1.1-3; 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.]; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

675 IAC 12-1.1-4 Definitions

Authority: IC 22-13-2-13
Affected: IC 10-19-7; IC 22-11; IC 22-12-1; IC 22-12-2-1; IC 22-13; IC 22-14; IC 22-15

Sec. 4. (a) The definitions in this section apply throughout this title.

(b) "Commission" refers to the fire prevention and building safety commission as established by IC 22-12-2-1.

(c) "Department" refers to the Indiana department of homeland security as established by IC 10-19-7.

(d) "Division" refers to the division of fire and building safety of the department established under IC 10-19-7.

(e) "Executive director" refers to the executive director of the department.

(f) "Rules of the commission" means all rules, including documents incorporated by reference, that:

(1) have been adopted by the commission; and
(2) are found in this title.

As appropriate by the context, the term "rule of the commission" means any applicable section or sections of a rule.

(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 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.]; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 this title as follows:
(1) 675 IAC 1 through 675 IAC 11: Repealed.
(2) This article: Administration.
(3) 675 IAC 13: Building Codes.
(4) 675 IAC 14: One and Two Family Dwelling Code.
(5) 675 IAC 15: Industrialized Building Systems.
(6) 675 IAC 16: Plumbing Code.
(7) 675 IAC 17: Electrical Codes.
(8) 675 IAC 18: Mechanical Code.
(9) 675 IAC 19: Energy Conservation Codes.
(10) 675 IAC 20: Swimming Pool Code.
(11) 675 IAC 21: Safety Codes for Elevators, Escalators, Manlifts and Hoists.
(12) 675 IAC 22: Fire Prevention Codes.
(13) 675 IAC 23: Recreational Facilities.
(14) 675 IAC 24: Supplementary Fire Safety Rules.
(15) 675 IAC 25: Fuel Gas Code.
(16) 675 IAC 26: Regulated Explosives; Use and Licensure.
(17) 675 IAC 27: Indiana Visitability Rule for One and Two Family Dwellings and Townhouses.

(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 22-12-6-4; 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	$75
plus	
Processing Fee	$75 minimum*
TOTAL	$150 minimum*

*The minimum processing fee only applies where the categorical processing fee is less than $75.

(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, E, G, H, and I. The fee is $0.050 times the gross square feet of floor area.

Category B (Minimal Occupancy–Area related): Livestock sales, hangars, open parking structures, truck freight terminals, warehouses, refrigerated storage, bulk product processing plants, and similar uses. The fee is $0.030 times the gross square feet of floor area.

Category C (Cost related): Remodeling and renovation (no additions). The fee is $0.0030 times the total square footage of the remodeling and renovation.

Category D (Minimal Occupancy–Cost related): Control towers, generating plants, dust collectors, mausoleums, grain elevators, concrete or asphalt plants, and other occupied high volume low area structures. The fee is $0.0002 times the construction cost.

Category E Swimming pools. The fee is $0.020 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 Classes 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 eighty dollars ($80) for each tank.

Category G (Replicated floor plan buildings, such as apartment buildings, hotels, or motels): If a project consists of one (1) or more buildings with replicated floor plans, the filing fee shall be $0.040 per square foot for one (1) example of each replicated floor plan, plus sixty-nine dollars ($69) per building.

Category H (Shell building[5] and initial tenant build-out): The fee for the shell building is $0.040 times the gross square feet of floor area. The fee for the initial tenant build-out is $0.020 times the gross square feet of floor area that is the subject of the build-out.

Category I (Expedited plan review): Expedited plan review is available for the following occupancies: B, F, M, S, and U. All required drawings, applications, and fees shall be received by plan review not later than 9:00 a.m. on the day that the project is submitted. If the project qualifies for expedited plan review and the issuance of a design release, the project will be released not later than 4:30 p.m. on the next following business day that the division is open. The fee for expedited submittal is five thousand dollars ($5,000), plus the applicable fee or fees from Categories A through H.

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

	Special Processing Fees	Amount
(1)	Each additional submission for a partially filed project	$250
(2)	Surcharge for late filing of plans and specifications in accordance with 675 IAC 12-6-8(c)[2]	$300
(3)	Foundation release	$80
(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	$50

Notes:
[1]The regular filing and processing fees are paid with the initial submission of the ACDR.
[2]The surcharge fee, if not collected at the time the ACDR is filed, shall be paid before issuance of any design release.
[3]Systems are architectural, structural, electrical, plumbing, mechanical (HVAC), fire alarm, and fire suppression.
[4]Payable when missing documents are subsequently filed.
[5]"Shell building" means a Class 1 structure for which a design release is required before further construction is performed to accommodate the occupancy of one (1) or more initial tenants.

(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 the following:

(A) Porches.
(B) Canopies.
(C) 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 following:

(A) Land.
(B) Interior furnishings.
(C) Processing equipment.

(f) The state fire marshal or the building law compliance officer 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 12-3-2; 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 6, 2008, 9:02 a.m.: 20080827-IR-675080433RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-3-4 Variance application fees

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

Sec. 4. (a) Except as provided in subsection (b), 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) An application for a variance from a requirement in 675 IAC 30 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.

(c) 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; readopted filed Aug 6, 2008, 9:02 a.m.: 20080827-IR-675080433RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

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; readopted filed Aug 6, 2008, 9:02 a.m.: 20080827-IR-675080433RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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:

(1) for which a design release is required under 675 IAC 12-6; and

(2) that 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 the greater of the following amounts:

(1) Two hundred dollars ($200).

(2) $0.10 per square foot, but not more than seven thousand five hundred dollars ($7,500).

(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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; readopted filed Aug 6, 2008, 9:02 a.m.: 20080827-IR-675080433RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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.

Occupant Load	Fee
1–99	$99
100–499	$134
500–999	$168
1,000–4,999	$203
5,000–9,999	$237
10,000 or more	$272

(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 the following:

(A) Indoor stadiums.
(B) Arenas.
(C) Gymnasiums.
(D) Halls.
(E) Nightclubs.
(F) Other assembly type buildings or portions thereof.

The application fee is calculated from the same schedule as Category A plus an additional ninety-nine dollars ($99) 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 ninety-nine dollars ($99) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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
(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; readopted filed Aug 6, 2008, 9:02 a.m.: 20080827-IR-675080433RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 or conversion of an existing building, issued under 675 IAC 12-8-3(a) or 675 IAC 12-13-2(a), requires passing an on-site inspection conducted by the division, an inspection fee in the amount of one hundred fifty dollars ($150) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 6, 2008, 9:02 a.m.: 20080827-IR-675080433RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division 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 do either of the following:

(1) Prepare a boiler or pressure vessel for the required inspection on the date specified by the inspector.

(2) Make repairs or otherwise correct conditions of noncompliance applicable to regulated equipment within the time frame specified in a correction order under 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 boiler and pressure vessel safety section (BPVSS) to report inspection activities relating to equipment regulated by BPVSS.

(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
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 division 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 or audit, or both, 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:

(A) travel;

(B) lodging; and

(C) 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 fire marshal or the building law compliance officer 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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) Subsequent inspections to complete an initial inspection of a new or altered regulated lifting device installation shall be at a cost of one thousand dollars ($1,000) per inspection where the inspection results from erroneous information to the division from the operator or owner that the installation is ready for inspection.

(e) Follow-up inspections on a new installation of a regulated lifting device, where the initial inspection revealed noncompliance with the rules of the commission, shall be at a cost of seven hundred fifty dollars ($750) for each such inspection.

(f) 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 12-3-14; filed Dec 9, 2002, 11:15 a.m.: 26 IR 1557, eff Apr 1, 2003; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 13-2.6-34); 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:

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

Any Class 1 structure that complied with the rules for a "Previous Classification" may be used for any of the occupancy classifications listed under the "1998 IBC Classification" column heading directly opposite the column heading of "Previous Classification" in the preceding chart, provided that the "Previous Classification" was the classification for which the Class 1 structure was originally constructed and all subsequent classifications have been within any of the occupancy classifications listed under the "1998 IBC Classification" directly opposite the "Previous Classification" in the preceding chart. Any owner or occupant of a Class 1 structure for which an occupancy classification is changed in accordance with this section shall provide written verification of the past occupancies of such Class 1 structure.

(c) 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).

(d) 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.

(e) 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.

(f) 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; filed Aug 1, 2014, 11:12 a.m.: 20140827-IR-675130339FRA, eff Dec 1, 2014; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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

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:
(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. This exception is applicable regardless of whether the building or other Class 1 structure has undergone one (1) or more changes of occupancy since its construction prior to January 21, 1978, and applies to all work done in the course of any alteration, regardless of the scope of the alteration work performed. For the purposes of this exception, any remodeling work is deemed to be an alteration. This exception does not apply to any addition to a building or

Class 1 structure.

(k) If the rehabilitation of an existing building is undertaken under Chapter 34 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.

(l) The addition of only one (1) or more balconies, each of which does not exceed one hundred (100) square feet in total area, to an existing, non-sprinklered, R-2 occupancy is permitted without either the balconies or the existing building being protected by a sprinkler system in accordance with 675 IAC 13. *(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; filed Nov 24, 2010, 3:21 p.m.: 20101222-IR-675100251FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; filed Aug 1, 2014, 11:12 a.m.: 20140827-IR-675130339FRA, eff Dec 1, 2014; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 is to establish administrative procedures and general provisions for the implementation of IC 22-13-2-11. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-1; 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.]; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

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" means the person who would be in violation of a rule of the commission if the person:

(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) "Department" means the Indiana department of homeland security.

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

(g) "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.

(h) "Local building official" means the chief official of the county, city, or town responsible for enforcing the building laws of the commission that serves the jurisdiction in which the property related to the variance application is located. However, where enforcement of the building laws of the commission, upon the property related to the variance application, is within the sole authority of the state or the scope of the variance applies statewide, the term "local building official" means the state building commissioner.

(i) "Local fire official" means the chief of the fire department serving the jurisdiction in which the property related to the variance application is located. However, if the scope of the variance applies statewide or no chief serves the jurisdiction in which the property related to the variance is located, the term "local fire official" means the state fire marshal.

(j) "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.

This definition does not apply to a request for a variance from the rules of the commission found in 675 IAC 30. *(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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

675 IAC 12-5-3 Statutory authority *(Repealed)*

Sec. 3. *(Repealed by Fire Prevention and Building Safety Commission; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

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 request for a variance from the rules of the commission may be applied for at any time by filing a completed application with the department and paying the fee required under 675 IAC 12-3-4. *(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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

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. (a) All information and documentation an applicant wishes to be considered as part of the applicant's variance request shall be included in the initial application.

(b) Notwithstanding subsection (a), additional information or documentation may be submitted by the applicant if all the following conditions are met:

(1) The additional information or documentation:

(A) corrects an error or mistake on the application;

(B) is in response to a request from the department or the commission (whichever body is making the determination) for additional information;

(C) is in response to information submitted by the local building official, local fire official, or another interested party;

(D) is offered at a meeting with the department or the commission (whichever body is making the determination) at which the variance request is heard; or

(E) clarifies the nature of the hardship or the alternatives to compliance being offered.

(2) The additional information or documentation does not materially change the variance request.

(3) Unless offered at a public meeting, the applicant notifies the local building official and local fire official of the submission of the additional information or documentation.

(c) A complete application for a variance shall include the following information:

(1) The name and address of the following:

(A) The applicant.

(B) The person submitting the application if it is not submitted by the applicant.

(2) The address and county of the premises or equipment for which the variance is being sought. If an address does not exist, a specific identifiable description of the location of the property that is acceptable to the department.

(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 division'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, items, and location affected by the variance request.

(6) A statement of facts and supporting evidence detailing:

(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.

(7) A statement of facts and supporting evidence detailing:

(A) how noncompliance with the rule will not be adverse to the public health, safety, or welfare; or

(B) alternative actions that the applicant will undertake instead of compliance with the rule to ensure that the granting of the variance will not be adverse to the public health, safety, or welfare.

(8) A copy of plans or drawings and supporting data that describe the area or equipment affected by the requested variance. For boiler or pressure vessel variance requests, the drawings of the equipment shall have all materials and dimensions identified in the English language and USA units of measurement.

(9) If the variance concerns a regulated boiler or pressure vessel, the applicant shall also include the following:

(A) American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME B&PVC) required calculations, including relief device calculations where applicable, certified by a professional engineer licensed in Indiana.

(B) Data for substitute materials, if the variance request involves the use of non-ASME B&PVC approved materials.

(C) A data sheet, similar to an ASME B&PVC manufacturer data report, signed by the designated representative after construction is complete.

(10) If arguing that similar variances have been granted, a citation to the previously granted variances relied upon and an explanation of how this request is similar to the previously granted variances.

(11) The email address of the local building official and local fire official. However, if filed on a paper application, the application will not be considered complete until it has been uploaded into the public portal.

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

(13) If the application is submitted on the applicant's behalf, an affirmation, under penalty of perjury, by the applicant of the following:

(A) That the applicant is aware of the variance request.

(B) That the application is being made on the applicant's behalf.

(14) An affirmation, under penalty of perjury, by the:

(A) person submitting the application; or

(B) applicant;

that the information contained in the application is true, accurate, and complete.

(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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)

675 IAC 12-5-5.1 Notice to local officials

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

Sec. 5.1. (a) An applicant for a variance shall provide notice to the local fire official and local building official of the filing of a variance application. The notice shall include a copy of, or a variance identification number for, the completed variance application filed with the department.

(b) The department shall maintain the contact information for local fire officials and local building officials in a manner that is readily accessible to the public.

(c) Local fire officials and local building officials shall notify the department of any changes or discrepancies found in the contact information maintained in subsection (b). The department shall update the information within five (5) business days of receiving the notice of such changes.

(d) Notices under subsection (a) are deemed properly served upon delivery to the address maintained under subsection (b). *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-5.1; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

675 IAC 12-5-5.2 Written comments

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

Sec. 5.2. (a) Any interested party may submit written comments concerning an application for a variance to the department.

(b) Written comments shall be submitted in a manner and on a form approved by the department and shall contain:

(1) the variance number of the application commented on;

(2) the name and contact information for the interested party; and

(3) information concerning whether the interested party is opposed to, unopposed to, or in support of approval of the variance request.

(c) Written comments may contain any other relevant information. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-5.2; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

675 IAC 12-5-5.3 Referring variances to the commission

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

Sec. 5.3. (a) Upon receipt of a completed variance application, the department shall either make a determination on the variance request, in accordance with the requirements of this rule, or place it on the commission's agenda for determination.

(b) If the department places a request for a variance on the commission's agenda for determination, only the commission may make a determination on the variance request.

(c) The decision to place a variance request on the commission's agenda for determination is within the sole discretion of the

department. If the department places a variance request on the commission's agenda, the department shall also provide a copy of all properly submitted written comments to the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-5.3; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

675 IAC 12-5-6 Consideration of applications *(Repealed)*

Sec. 6. *(Repealed by Fire Prevention and Building Safety Commission; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

675 IAC 12-5-6.1 Consideration of applications

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

Sec. 6.1. (a) The department or the commission (whichever body is making the determination) shall consider the variance application and all properly submitted written comments prior to making a determination on a variance request.

(b) The department or the commission (whichever body is making the determination) may request additional information or conditions be offered by the applicant and may request a meeting prior to making a determination. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-6.1; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

675 IAC 12-5-6.2 Determinations

Authority: IC 22-13-2-13
Affected: IC 22-12-7-3; IC 22-13-2-11; IC 22-13-2-14.1

Sec. 6.2. (a) The department or the commission (whichever body is making the determination) shall wait at least five (5) business days following posting of a completed variance application to the public portal and payment of the variance application fee before making a determination on a variance request.

(b) The department or the commission (whichever body is making the determination) may grant a variance if the applicant:

(1) is able to demonstrate by substantial and reliable evidence that:

(A) compliance with the rule would cause an undue hardship or would affect an architecturally significant part of the structure; and

(B) noncompliance with the rule, taking into account any alternatives to compliance, would not be adverse to the health, safety, or welfare of the public.

(c) The department or the commission (whichever body is making the determination) may impose conditions on the variance other than those suggested by the applicant.

(d) An order granting or denying a variance shall be issued as required by IC 22-12-7-3.

(e) All determinations on a variance request from a rule contained in 675 IAC 30 may only be made following consultation with an industry expert as defined in IC 22-13-2-14.1.

(f) The department shall submit a report to the commission of all variance determinations made by the department since the commission's last meeting. *(Fire Prevention and Building Safety Commission; 675 IAC 12-5-6.2; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

675 IAC 12-5-8 Fee refunds *(Repealed)*

Sec. 8. *(Repealed by Fire Prevention and Building Safety Commission; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

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 department or the commission (whichever body made the determination on the variance) may impose a sanction concerning a variance it has previously issued under IC 22-12-7-7. Available sanctions are as follows:

(1) Revocation.
(2) Suspension.
(3) Censure.
(4) Reprimand.
(5) Probation.

(b) The:

(1) department;
(2) commission;
(3) local fire official;
(4) local building official; and
(5) individuals affected by the variance;

may submit information to the commission concerning the desirability of the imposition of such a sanction.

(c) The department or the commission (whichever body issued the variance) may impose an appropriate sanction whenever one (1) or more of the following exists:

(1) The variance was obtained by the applicant by fraudulent or misleading statements or information.
(2) Notification of the required local officials required by section 5.1 of this rule was not given.
(3) There has not been compliance with an alternative requirement contained in the variance.
(4) 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA; filed Apr 19, 2021, 10:23 a.m.: 20210512-IR-675200626FRA, eff Jul 1, 2021)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; IC 32-25-2-9

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 32-25-2-9) or other units that are as follows:

(A) Intended to be or are used or leased by the owner of the units.

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

(3) Subdivision (1) does not include the following:

(A) A building or structure that is as follows:

(i) Intended to be or is used only for an agricultural purpose on the land where it is located.

(ii) 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.

(B) A Class 2 structure as defined by IC 22-12-1-5. One and two family dwellings used for seasonal accommodation, including those sometimes known as "tourist cabins" are Class 2 structures and are regulated under 675 IAC 14.

(C) A vehicular bridge.

(D) A structure that is intended to be or is occupied solely to provide periodic maintenance or repair of either of the following:

(i) The structure.

(ii) Mechanical or electrical equipment located within and affixed to the structure.

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

(1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.

(2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.

(3) 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 or Class 2 structure at the site where it will be used.

(4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.

(5) Work undertaken to relocate any part of a Class 1 or Class 2 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 either of the following:

(1) Load-bearing members of a building or structure to transmit actual and design live and dead loads to a foundation.

(2) Other load-bearing members within the allowable working stresses of the materials or assembly of materials involved.

(f) "Temporary structure" means any of the following:

(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 job sites for use by persons involved in the construction process.

(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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; filed Aug 1, 2014, 11:12 a.m.: 20140827-IR-675130339FRA, eff Dec 1, 2014; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 division unless the construction is of a type specifically exempted from the design release requirements by section 4 of this rule. Design releases may be issued by the division.

(b) If a foundation release is obtained under section 14 of this rule, construction may:

(1) be done to the grade level only as provided for by section 14(c) of this rule; and

(2) 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, 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 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.]; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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

Authority: IC 22-13-2-13
Affected: IC 4-21.5; IC 12-13-4-3; 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 that 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, that are factory fabricated and assembled.
(D) Electrical power cable transmission towers and substations.
(E) Structures used for communication purposes, except for:
(i) satellite dishes exceeding ten (10) feet in diameter; and
(ii) antennas exceeding thirty (30) feet in length;
when mounted on the roof of a Class 1 structure.
(F) Structures appurtenant to:
(i) industrial plants;
(ii) power generating plants;
(iii) gas plants;
(iv) bulk storage facilities; and
(v) shipping terminals;
where the functions of the structures are primarily the support of related equipment.
(G) Structures of:
(i) sewage;
(ii) water;
(iii) gas; and
(iv) electric;
utilities.
(H) Signs, except those mounted on the roof of a Class 1 structure, that 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:
(A) do not exceed five hundred (500) square feet; and
(B) are used as:
(i) equipment shelters;
(ii) tool and storage sheds (not used for the storage or handling of hazardous materials);
(iii) freezers;
(iv) coolers; or
(v) 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:
(i) exceed three hundred (300) square feet; and
(ii) impose an excessive structural load onto the existing structure; and
(B) are used as:
(i) equipment shelters;
(ii) tool and storage sheds (not used for the storage or handling of hazardous materials);
(iii) freezers;
(iv) coolers; or
(v) other similar uses.
(6) One (1) story detached Class 1 structures that:
(A) do not exceed five hundred (500) square feet in floor area;
(B) have at least one (1) unenclosed side; and
(C) are used for personnel shelters, such as:
(i) bus stops;

(ii) picnic shelters; and
(iii) 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:
(i) kiosks;
(ii) drive-up facilities; and
(iii) roadside fruit and vegetable stands.

(8) Fences, except for those enclosing:
(A) public swimming pools; or
(B) 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:
(i) having a capacity of six hundred sixty (660) gallons or less;
(ii) that are portable; and
(iii) that are for temporary use only.

(11) Structures to be used primarily for the display of agricultural products and not used for assembly purposes where the structures are located within a political subdivision qualified under 675 IAC 12-10-9.

(12) Structures to be built in accordance with the requirements applicable to their eventual use as Class 2 structures that will initially be used as models or offices for the sale of Class 2 structures where the initial use does not cause any of the building systems to become noncompliant with current rules of the commission for that use. "Systems" are architectural, structural, electrical, plumbing, mechanical (HVAC), fire alarm, and fire suppression.

(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 the 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:
(i) for the generation, transmission, distribution, or metering of electrical energy; or
(ii) 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:
(i) operating at less than twenty-five (25) volts; and
(ii) 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 any of the following:

(i) A heating system having an output not in excess of four hundred thousand (400,000) British thermal units per hour.

(ii) A cooling system having an output not greater than fifteen (15) tons (one hundred eighty thousand (180,000)) British thermal units per hour).

(iii) 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:

(i) walls;

(ii) ceilings;

(iii) roofs; or

(iv) 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:

(i) does not exceed six (6) feet; and

(ii) 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) 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.

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

(i) the addition or alteration of up to an aggregate of twenty (20) sprinkler heads in a wet pipe system for light or ordinary hazard design;

(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.

(c) All additions or alterations permitted by this subdivision *[sic.]* shall be documented by the installer and kept on file with the maintenance and testing records required by 675 IAC 22 and 675 IAC 28, specifically the applicable editions of NFPA 13 and NFPA 25.

(d) 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.

(e) 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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

Sec. 6. (a) The application for construction design release (ACDR) form:

(1) shall be available from the division; and

(2) may be available from building departments of local units of government.

(b) The ACDR shall be filed:

(1) by the owner; or

(2) on the owner's behalf by the design professional for the project.

(c) The ACDR shall contain the following items:

(1) The:

(A) name and address of the owner; and

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

(2) A description of the land on which the proposed work is to be done by:

(A) legal description;

(B) street address; or

(C) similar description;

that will readily identify and definitely locate the proposed building or work.

(3) An identification and a description of the work for which the application for a design release is being made.

(4) An indication of the use or occupancy for which the proposed work is intended.

(5) A statement of the total gross square feet of all floors of the following:

(A) Any Class 1 structure.

(B) Any addition to an existing Class 1 structure.

(C) The existing portion of the Class 1 structure.

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

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

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

(8) Other reasonable data and information concerning compliance with the rules of the commission that the division may require.

(9) A signature by the owner or an authorized agent certifying that the project will:

(A) be constructed in compliance with all applicable rules of the commission; and

(B) 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 division.

Any person purporting to be an agent of the owner may be required to submit written authorization of the 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 the following:

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

(B) That the plans and specifications submitted for the application:

(i) were prepared either by or under the immediate supervision of the person making the statement; and

(ii) 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.

(C) 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 as follows:

(1) Sufficiently clear and complete to show in detail that the proposed work will comply with the rules of the commission.

(2) In the English language and dimensions in the English units of measurement (yards, feet, or inches).

(c) One (1) complete set of plans and specifications required by this section shall:

(1) be filed for review; and

(2) 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, additional copies may be made by the applicant and utilized:

(1) on the construction job site as required by section 19 of this rule; and

(2) 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:

(A) competent to design the construction covered by the application; and

(B) 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:

(A) design professional described in subdivision (1); or

(B) person's technical or professional staff; and

(3) the plans and specifications shall be filed by the:

(A) design professional described in subdivision (1); or

(B) 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, the filing shall not be required to comply with the following:

(1) Subsection (e).

(2) Section 6(c)(10) of this rule.

(g) 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 the following:
(A) Wall configuration.
(B) Fire rating.
(C) Exit ways.
(D) Doors.
(E) Windows.
(F) Location of plumbing fixtures.
(G) Chairlifts.
(H) Elevators.
(I) Room designation.
(4) Fire and life safety plans showing graphically or by legend the location and rating of building elements, such as the following:
(A) Area separation walls.
(B) Occupancy separation walls.
(C) Smoke barriers.
(D) Fire-rated corridor walls.
(E) Stair enclosures.
(F) Shaft enclosures.
(G) Horizontal exits.
(5) Wall elevations of all exterior walls.
(6) Sections and details of walls, floors, and roofs showing the following:
(A) Dimensions.
(B) Materials.
(C) 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:
(A) electrical;
(B) mechanical;
(C) plumbing; and
(D) 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:
(A) material;
(B) size;
(C) thickness; and
(D) 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:
(A) the electrical distribution system;
(B) the service equipment;
(C) the grounding methods;
(D) the emergency and standby power systems; and

(E) any power or lighting information;

required for compliance with the Indiana Energy Conservation Code under 675 IAC 19.

(13) Plumbing plans showing the following:

(A) Fixture location.

(B) Risers.

(C) Drains.

(D) Piping isometrics.

(14) Mechanical plans showing location and size of:

(A) ductwork;

(B) equipment;

(C) fire dampers; and

(D) smoke dampers;

and equipment schedules showing capacity.

(15) Energy conservation details to include the following:

(A) Design criteria.

(B) Exterior envelope component materials.

(C) U values of the envelope system.

(D) R values of insulating materials.

(E) Size and type of equipment.

(F) Systems controls.

(16) Accessibility details to include the following:

(A) Access to buildings.

(B) Ramps and walks with slope.

(C) Dimensioned restroom plans and clearances.

(D) Grab bars.

(E) Door swing and size.

(F) Special seating accommodations.

(17) Plans for automatic fire-extinguishing systems showing the following:

(A) Automatic sprinkler piping size and spacing.

(B) Standpipes.

(C) Fire pumps.

(D) Water supply data.

(E) Rating of sprinkler heads.

(F) 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 the following:

(A) Detection activation devices (automatic or manual).

(B) Control panels.

(C) Annunciator panels and zones.

(D) Water flow devices.

(E) Other specific requirements contained in NFPA Standard 72 as adopted in 675 IAC 22.

(19) Plans for public swimming pools showing the following:

(A) Area and volume.

(B) Enclosure for pool area.

(C) Turnover rate.

(D) Filtration and circulation system.

(E) Swimmer load.

(F) Materials.

(G) Shape and depth of pool.

(H) Deck design.

(I) Ladders.
(J) Steps.
(K) Drainage system.
(L) Water supply system.
(M) 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 the construction:

(1) is begun on a Class 1 structure where a design release is required before the design release has been issued by the division; and

(2) job site has been inspected by any representative of the division.

(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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 who is currently any of the following:

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

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

(3) Certified by an agency substantially similar to that of subdivision (2) and approved by the commission. The 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.

(d) All projects required to comply with 675 IAC 20 shall be:
(1) prepared by a design professional; and
(2) submitted in accordance with this rule.

(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; 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 25, 2011, 10:19 a.m.: 20110420-IR-675090789FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 division for the purpose of resolving questions on the application of the rules of the commission to a specific project. The results of any consultations shall:

(1) not be binding on the division in the consideration of an application for a design release; and

(2) in no way 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 (d).

(c) The division 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 contains limitations, conditions, or standards for alternative materials, method of construction, or design procedures and is published by an independent, nationally recognized testing laboratory that is accredited by the American Association for Laboratory Accreditation or any one (1) of the following:

(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) that are found to be equivalent to ANSI standards.

(5) German Institute for Standards (Deutsches Institut fur Normung) (DIN) that are found to be equivalent to ANSI standards.

(6) French Standards Association (AFNOR) that are found to be equivalent to ANSI standards.

(7) Canadian Standards Association (CSA) that 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).

(d) The division 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; 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 Oct 27, 2009, 2:36 p.m.: 20091125-IR-675090186FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 division shall consider applications for design releases and plans and specifications filed under this rule. No design release shall be issued unless:

(1) section 5 of this rule has been complied with by the applicant; and

(2) the plans and specifications submitted with the application have been reviewed by the division.

(b) Subsequent to the filing of an application, the applicant may be requested to do one (1) of the following:

(1) Submit additional information or documents to place the application in compliance with section 5 of this rule.

(2) 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 division.

(c) The order granting or denying the design release shall be issued by 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 12-6-12; 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division 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 before plan review and consideration of the issuance of a design release if the:

(1) documents and fees required under section 5 of this rule have been submitted; and
(2) applicant:
(A) submits an application on a form provided by the division:
(i) stating the name and address of the construction project; and
(ii) agreeing to comply with the provisions of subsections (c) and (e); and
(B) 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 division 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division.

(b) Applicants for design releases may request partial design releases:
(1) in order to facilitate project designing, bidding, and construction; or
(2) 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 except that 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 division with the following information:
(1) The name and address of the construction project.
(2) The division's project number.
(3) The scope of the work involved in the desired partial design release.
(4) Other reasonable data and information concerning compliance with the rules of the commission that the division requires.

(d) The document required by subsection (c) shall be signed by the:
(1) owner; and
(2) design professional if one is required for the construction project.

(e) Each separate part of plans and specifications filed for partial design releases, such as:
(1) foundation;
(2) structure;
(3) plumbing;
(4) electrical; and
(5) fire protection systems;

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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division.

(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:

(1) mechanical;
(2) plumbing;
(3) electrical;
(4) energy conservation; and
(5) 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 the following to the division:

(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:

(1) authorize any specific construction project; or
(2) eliminate the requirement for a separate design release to be 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 division.

(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 division does the following:

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

(h) If a petition for review of the division's order under subsection (g) 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 addendum or revised design release is issued by the division.

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

(c) An applicant for an addendum or revised design release shall submit the following to the division:

(1) On a form provided by the division, 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 division'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) Other reasonable data and information concerning compliance with the rules of the commission that the division 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 addendum or revised design release, the original design release remains in effect as modified by the addendum 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-6-19 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 as follows:

(1) In a conspicuous place on the premises.

(2) Protected from the weather.

(3) 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 division 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 the release. However, an owner holding an unexpired 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 division 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 subdivision (1);

(4) the release extension fee established by 675 IAC 12-3 has been paid; and

(5) the extension of time will not adversely affect the public health, safety, or welfare.

(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, the construction work may be recommenced only after the issuance of a design release reinstatement by the division. The reinstatement may be issued by the division 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 subdivisions (1) and (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 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 12-6-20; 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division. *(Fire Prevention and Building Safety Commission; 675 IAC 12-6-21; 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.]; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division may impose a sanction concerning any type of design release previously issued. Available sanctions are as follows:

(1) Revocation.
(2) Suspension.
(3) Censure.
(4) Reprimand.
(5) Probation.

(b) The division may impose an appropriate sanction whenever one (1) or more of the following exists:

(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:
    (A) in error;
    (B) on the basis of incorrect information; or
    (C) in violation of:
        (i) a rule of the commission;
        (ii) fire safety law; or
        (iii) 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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

Sec. 1. (a) The purpose of this rule is to:

(1) establish administrative procedures for the review of plans and specifications by certified cities, towns, or counties under IC 22-15-3-1; and

(2) reduce the time needed by the division 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 before the granting or denying of a design release by the office of the division 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 the following:

(1) Industrialized building systems.

(2) Automatic fire-extinguishing or standpipe systems.

(3) Regulated lifting devices.

(4) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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.

(b) Application may be made in letter form by the executive officer or officers 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 division 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 division 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division may impose a sanction concerning any certification of a city, town, or county.

Available sanctions are as follows:

(1) Revocation.

(2) Suspension.

(3) Censure.

(4) Reprimand.

(5) Probation.

(b) The division may impose an appropriate sanction whenever one (1) or more of the following exists:

(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 do the following:

(A) Comply with the procedural requirements of this rule.

(B) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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

Authority: IC 22-13-2-13

Affected: IC 22-15-3-1

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. The test shall be in the following two (2) parts:

(1) The plans examiner test prepared by the International Code Council (ICC).

(2) The state plan review test prepared by the division.

(b) The test shall be administered not fewer than two (2) times each year at the division offices in Indianapolis, Indiana.

(c) The test shall be based on the following:

(1) The editions of the ICC Building Code and ICC Fire Code adopted by reference in 675 IAC 13 and 675 IAC 22.

(2) Those portions of:

(A) the Indiana Building Code that are substantially different than the ICC Building Code; and

(B) 675 IAC 22 that are substantially different than the ICC Fire Code.

(3) The commission's rules:

(A) covering design releases in 675 IAC 12-6; and

(B) 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 division shall revise the state plan review portion of the test as necessary to be consistent with the following:

(1) The Indiana Building Code.

(2) The Indiana Fire Code.

(3) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 division 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 division.

(6) The local plan reviewer will affix his or her signature over the seal to identify those sets to be subsequently submitted to the division 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 division in accordance with 675 IAC 12-6.

(b) The seal provided by the division shall remain the property of the division.

(c) The certified city, town, or county may obtain a supply of application for construction document release forms from the division 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

Rule 8. Indiana Building Rehabilitation Standard *(Repealed)*

(Repealed by Fire Prevention and Building Safety Commission; filed Mar 18, 2008, 2:34 p.m.: 20080423-IR-675070476FRA, eff 90 days after filing with the Publisher)

Rule 9. 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 is to establish administrative procedures for the:

(1) application;

(2) issuance; and

(3) renewal;

of permits by the state fire marshal. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-1; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-9-2 Definitions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12-1; IC 22-14-2; IC 22-14-3-2

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

(b) "Amusement" means the same as entertainment.

(c) "Entertainment" means a performance or show designed to amuse or divert an assembly of persons.

(d) "Place" means, in the context of a place of amusement or entertainment, any of the following:

(1) A building primarily classified or capable of being classified as a Group A Occupancy under the Indiana Building Code

(675 IAC 13).
(2) A room classified or capable of being classified as a Group A Occupancy under the Indiana Building Code (675 IAC 13).
(3) A structure classified or capable of being classified as a Group A-4 Occupancy under the Indiana Building Code (675 IAC 13).
(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.
(e) "Regulated place of amusement or entertainment" means any of the following:
(1) A:
(A) theater;
(B) opera house;
(C) movie theater;
(D) dance hall;
(E) night club with a stage or floor show; or
(F) 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:
(A) school;
(B) college;
(C) university;
(D) social or fraternal organization;
(E) lodge;
(F) farmers organization;
(G) society;
(H) labor union;
(I) trade association; or
(J) church;
holds any type of amusement.
(4) A public or private place where a regulated amusement device is operated.
(f) "State fire marshal" means either of the following:
(1) The state fire marshal appointed under IC 22-14-2.
(2) Any authorized employee of the state fire marshal.
(g) "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 p.m.: 11 IR 1790; errata, 11 IR 2632; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 state fire marshal on forms provided by the division. 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:
(A) days and hours of operation of regularly scheduled events; and
(B) 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 following:

(A) The planned arrangement of other than fixed seating.

(B) The location of the following:

(i) Aisles.

(ii) Exit ways.

(iii) Barriers.

(iv) Steps.

(v) 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 state fire marshal.

(b) An applicant for a special event endorsement to an annual amusement and entertainment permit shall submit an application to the state fire marshal on forms provided by the division. 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-9-4 Regulated explosives magazine permits

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 35-47.5-4

Sec. 4. (a) An applicant for an annual regulated explosives magazine permit shall submit an application to the state fire marshal on forms provided by the division. 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 35-47.5-4 and the following:

(1) The name, address, and telephone number of the following:

(A) The applicant.

(B) The person exercising control over the explosives magazines if not the applicant.

(2) Plans and specifications of the magazine construction, if necessary to perform the inspection required by IC 35-47.5-4.

(b) 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 Code under 675 IAC 22.

(c) The state fire marshal shall make, or cause to be made, an inspection of explosives magazines for compliance with the Indiana Fire Code under 675 IAC 22 before 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 state fire marshal under the alternate criteria for explosive laboratory operations as established in the Indiana Fire 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 state fire marshal on forms provided by the state fire marshal. Applications must be received by the division not fewer than fifteen (15) calendar days before the date of display. Under IC 22-11-14-2, the application shall be accompanied by a brief resume of the fireworks display operator's or operators' experience in the following:

(1) Preparation of the display.

(2) Igniting or discharging of fireworks.

(3) Implementing emergency procedures.

(4) 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 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 done the following:

(1) Approved the operator of the display as qualified.

(2) 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 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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

Authority: IC 22-11-14-7
Affected: IC 22-13; IC 22-14; IC 23-7-1.1

Sec. 6. An applicant for a fireworks stand retail sales permit shall submit an application to the state fire marshal on forms provided by the state fire marshal. Each application shall provide the following:

(1) The information required by IC 22-11-14-7.

(2) 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 p.m.: 11 IR 1791; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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

Authority: IC 22-12-6-6
Affected: IC 22-11-14-1; IC 22-11-14-5; 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 the following to the state fire marshal:

(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:

(A) identifies the applicant as:

(i) a manufacturer;

(ii) a wholesaler;

(iii) an importer; or

(iv) a distributor; and

(B) 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 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 1791;*

filed Jul 15, 1991, 5:30 p.m.: 14 IR 2237; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-9-9 Administrative adjudication

Authority: IC 22-13-2-13
Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12; IC 22-14

Sec. 9. Any order granting or denying a permit or certificate governed by this rule shall be issued by 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 p.m.: 11 IR 1792; 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 Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-10-8 Ordinance approval procedure *(Voided)*

Sec. 8. *(Voided by P.L.101-2015, SECTION 4, effective April 30, 2015.)*

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 division containing the following:

(1) The name and address of the person or office to which design releases and other notices or orders of the division should be sent.

(2) The:

(A) names of all inspectors appointed to enforce the local building code; and

(B) 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 division within thirty (30) days of the date of change.

(c) If the division determines that the requirements of this section are no longer being met by a political subdivision, the building law compliance officer or the state fire marshal 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 the 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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

Rule 11. Statewide Fire and Building Safety Education Fund

675 IAC 12-11-1 Definitions

Authority: IC 22-12-6-3
Affected: IC 10-19-2; IC 10-19-7; IC 22-12-6-3; IC 22-12-6-6

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "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.

(c) "Building official" means the local government official who administers a local building department education plan.

(d) "Department" means the department of homeland security established by IC 10-19-2.

(e) "Division" means the division of fire and building safety established by IC 10-19-7.

(f) "Fire official" means the local government official who administers a fire code enforcement or prevention program.

(g) "Fund" means the statewide fire and building safety education fund established by IC 22-12-6-3.

(h) "Inspector" means a person employed by the division or a local government to perform inspections to obtain compliance with the rules of the commission.

(i) As used in this rule, "provider" means a person or organization that provides a course or program to educate inspectors on the content and the commission's interpretation of the current rules of the commission. *(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 state or 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 any of the following:

(A) A full-time or part-time:

(i) inspector in an approved building department; or

(ii) paid or volunteer fire inspector in an established fire department of a political subdivision.

(B) A full-time employee of the division.

(2) The applicant has obtained approval from:

(A) a building or fire official;

(B) the state fire marshal; or

(C) the building law compliance officer;

as appropriate, including a statement, where applicable, 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, as appropriate.

(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. *(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 department on or before the submission date printed on the application form.

(c) The department shall evaluate all applications for completeness, timeliness, and conformance with published instructions. Each application shall be further evaluated with consideration of the local building or fire department education plan. Applications may be ranked in order of:

(1) perceived need;

(2) merit;

(3) benefit to the local community;

(4) amount of previous assistance; or

(5) other factors;

deemed to produce a distribution of available funds for the greatest good.

(d) The department shall maintain a list of the following:

(1) Applicants selected for payment of enrollment fees.

(2) The amount of each payment.

(3) 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 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 department 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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. Each approved building department or fire department that desires to enroll inspectors with financial assistance from the fund must have on file with the department an education plan. The plan should identify all eligible inspectors and their:

(1) duties;

(2) records of prior training; and

(3) educational backgrounds;

and other information that the building or fire official deems appropriate. *(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.:*

20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

675 IAC 12-11-7 Budget *(Repealed)*

Sec. 7. *(Repealed by Fire Prevention and Building Safety Commission; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

675 IAC 12-11-8 Reports

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

Sec. 8. An annual report shall be prepared 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.

(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

675 IAC 12-11-9 Records

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

Sec. 9. (a) The department shall maintain a record of all receipts and expenditures of the fund.

(b) The department shall maintain performance and attendance records of inspectors enrolled in departmental programs that may be used in any voluntary accreditation program of the department or a provider. *(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA))*

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 division.

(2) "Decommissioning" means the removal or closure of an underground storage tank.

(3) "Owner" has the meaning 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:

(A) installation;

(B) retrofitting;

(C) testing;
(D) cathodic protection; or
(E) decommissioning;

of one (1) or more underground storage tanks.

(5) "Person" has the meaning set forth in 675 IAC 22.

(6) "Underground storage tank" has the meaning 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 division 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 division that the person has successfully completed applicable examinations administered by either of the following:

(1) The International Fire Code Institute.
(2) Another independent testing agency whose examinations have been approved by 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 state fire marshal shall issue a certificate to a person who does the following:

(1) Passes one (1) or more of the certification examination subjects under section 2 of this rule.

(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 state fire marshal only if the person files a performance bond in an amount prescribed in section 6 of this rule.

(c) A certificate:

(1) shall identify which certification examination subjects were passed; and

(2) 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 the other state are substantially similar to the requirements in force in Indiana.

(f) The department shall submit to the state fire marshal documented evidence that the certification or licensing is substantially similar to Indiana's underground storage tank certification examination. The state fire marshal shall grant or deny the certification. Application forms for reciprocity shall be provided by the division. *(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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 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:

(1) installation;

(2) retrofitting;

(3) testing;

(4) cathodic protection; or

(5) decommissioning;

of underground storage tanks.

(b) 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 state fire marshal may do either of the following:

(1) Request an informal hearing under IC 22-12-7-12.

(2) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 division shall:

(1) act only as a custodian; and

(2) 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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:

(1) installation;

(2) retrofitting;

(3) testing;

(4) cathodic protection; or

(5) decommissioning;

of an underground storage tank shall display or produce a valid certificate or copy thereof that was issued by 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.:*

20180801-IR-675180204RFA)

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 a request, the division 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:

(A) are acceptable; and

(B) shall be conditions of a design release or other order of the division.

(7) The new use group must meet the same requirements for:

(A) exit width;

(B) arrangement of exits;

(C) illumination of exits;

(D) exit signs; and

(E) smoke detection;

as required for new construction.

(8) Buildings converted to occupancy Group R-1 or R-2 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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 one (1) of the following:

(1) Office or factory 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.

(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:

(1) an occupant load of one hundred (100) or less, based on an occupant load factor not to exceed fifteen (15), limited to the first floor level; and

(2) two (2) exits directly 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 use group A-3 having:

(1) an occupancy load of one hundred (100) or less, based on an occupant load factor not to exceed fifteen (15); and
(2) two (2) exits directly to a public way.
(d) A detached one (1) or two (2) family dwelling may be converted to an occupancy group R-1 or R-2.
(e) A detached single family dwelling may be converted to a mixed use group M/one or two family dwelling or B/one or two family dwelling. *(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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-13-4 Inspection

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

Sec. 4. (a) Before issuance of a design release for conversion of a building under this rule, the division shall cause the building to be inspected with regard to the existing condition and proposed construction or alterations work. The inspection fee established in 675 IAC 12-3-11 is established for inspections under this rule. The inspection fee shall be paid to the fire and building services fund before 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 division 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; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

Rule 14. Firefighting and Emergency Equipment Revolving Loan Fund

675 IAC 12-14-1 Definitions

Authority: IC 22-13-2-2
Affected: IC 22-12-1-18.7; IC 36-8-12-2

Sec. 1. (a) The definitions in this section apply throughout this rule.
(b) "Office" means either of the following:
(1) The state fire marshal.
(2) Employees 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" has the meaning set forth 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 *[IC 22-14-5 was repealed by P.L.107-2007, SECTION 18, effective July 1, 2007.]*. *(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; 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; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-14-2 Use of loan proceeds

Authority: IC 22-13-2-2
Affected: IC 22-12-1-18.7; IC 36-8-12-2

Sec. 2. Other allowable incidental expenses under IC 22-14-5-9(1) *[IC 22-14-5 was repealed by P.L.107-2007, SECTION 18, effective July 1, 2007.]* 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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-14-3 Application process

Authority: IC 22-13-2-2
Affected: IC 4-21.5-3-7; IC 22-12-1-18.7; 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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)*

675 IAC 12-14-4 Loan terms and conditions

Authority: IC 22-13-2-2
Affected: IC 22-12-1-18.7; 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) *[IC 22-14-5 was repealed by P.L.107-2007, SECTION 18, effective July 1, 2007.]*.

(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 that 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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

675 IAC 12-14-5 Form of application

Authority: IC 22-13-2-2
Affected: IC 22-12-1-18.7; 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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

675 IAC 12-14-6 Loan priority rating system

Authority: IC 22-13-2-2
Affected: IC 22-12-1-18.7; 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.
(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.
(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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012,

8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

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