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~~*PART I—ADMINISTRATIVE*~~

CHAPTER

1 SCOPE AND ADMINISTRATION

User notes:

~~***About this chapter:*** *Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—General Provisions (Sections 101–102) and Part 2—Administrative Provisions (Sections 103–115). Section 102 identifies which buildings and structures come under its purview and references other I-Codes as applicable.*~~

~~*This code is intended to be adopted as a legally enforceable document, and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.*~~

~~***Code development reminder:*** *Code change proposals to this chapter will be considered by the Administrative Code Development Committee during the 2025 (Group B) Code Development Cycle.*~~

~~*Section 104 was revised for the 2024 edition. For clarity, the relocation marginal markings have not been included. For complete information, see the Relocations table in the Preface of this code.*~~

~~***QR code use****: A QR code is placed at the beginning of any section that has undergone technical revision. To see those revisions, scan the QR code with a smart device or enter the 7-digit code beneath the QR code at the end of the following URL: qr.iccsafe.org/ (see Formatting Changes to the 2024 International Codes for more information).*~~

SECTION 101—FIRE PREVENTION AND BUILDING SAFETY COMMISSION

101.1 Statutory Authority. The Fire Prevention and Building Safety Commission (Commission) is established at IC 22-12-2-1. The Commission shall adopt rules as set out in IC 22-13-2-2.

101.2 Statutory Authorityto adopt rules. The Commission has the 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.

101.3. Rule Adoption. The Commission's rulemaking action shall comply with the requirements of IC 4-22-2.

101.4 Title.

101.4.1 This rule shall be known as the 2026 Indiana Fire Code and shall be published, except incorporated documents, by the Indiana Fire Prevention and Building Safety Commission for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the 2026 Indiana Fire Code.

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101.5 Effect of New or Changed Rules.

101.5.1 Construction projects for which design releases must be obtained under Section 106 of this Rule shall be done in compliance with the applicable rules of the commission in effect on the date the application, plans and specifications were submitted to the Department notwithstanding the repeal or amendment of any rule before the date the construction work is actually done.

101.5.2 Accordingly, any enforcement action taken by the Department concerning such construction shall appropriately cite the rules of the commission in effect at the time the application, plans and specifications were submitted to the Department.

101.5.3 Notwithstanding section 101.5.1, the construction work may be done in accordance with any rule of the commission that takes effect subsequent to the submission of the application, plans and specifications and before the actual construction work being done, provided that an appropriate addenda and revision design release are issued as set out in this rule.

101.5.4 Construction that is exempt from the design release requirements, is not exempt from the compliance with the rules of the commission in effect on the date the construction work actually starts.

101.6 Conflict within the rules.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern

101.7. Saving clause

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.

101.8 Words and Phrases Not Defined.

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

101.9 Interpretation. The State Building Commissioner authorized to issue written interpretations on Rules of the Commission as set out in IC 22-13-5.

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PART 1—GENERAL PROVISIONS

SECTION 102 ~~101~~—SCOPE AND GENERAL REQUIREMENTS

~~**[A] 101.1 Title.** These regulations shall be known as the *Fire Code* of **[NAME OF JURISDICTION]**, hereinafter referred to as "this code."~~

[A] 102.1 ~~101.2~~ Scope. This code establishes regulations affecting or relating to Class 1 structures, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, *alteration* or removal of fire protection systems.
5. Conditions affecting the safety of firefighters and emergency responders during emergency operations.

[A] 102.2 ~~101.2.1~~ Appendices. Provisions in the appendices shall not apply unless specifically adopted.

[A] 102.3 ~~101.3~~ Purpose. The purpose of this code is to establish the minimum requirements for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, Class 1 structures and premises, and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations.

[A] 102.4 ~~101.4~~ Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[A] 102.5 ~~101.5~~ Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 103 ~~102~~—APPLICABILITY

[A] 103.1 ~~102.1~~ Construction and design provisions. The construction and design provisions of this ~~code~~rule shall apply to:

1. Class 1 Structures, facilities and conditions arising after the adoption of this code.
2. Existing Class 1 structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing Class 1 structures, facilities and conditions where required in Chapter 11.
4. Existing Class 1 structures, facilities and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

[A] 103.2 ~~102.2~~ Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

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[A] 103.3 ~~102.3~~ Change of use or occupancy

103.3.1. 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 classification continued without requiring the building or structure to be altered to comply with such rule.

103.3.2 No change in the use of the building or structure shall be permitted which shall cause the building or structure to be classified within a different occupancy classification group or within a different division of the same occupancy classification group, unless the building or structure is made to comply with the requirements of Commission for new construction for the proposed occupancy.

103.3.3 Where there is a change of occupancy classification group or within a different division of the same occupancy classification group, the owner any elect to perform a change of occupancy based upon the International Existing Building Code adopted by reference in the Indiana Building Code (675 IAC 13).

103.3.4 Class 1 structure lawfully in existence complying with the Rules of the Commission as set out in Table 103.3.4 for the specific occupancy classification is not considered a change of occupancy, due to changes in occupancy classification groups between the various adopted Indiana Building Codes (675 IAC 13).

	TABLE 103.3.4 OCCUPANCY CLASSIFICATION	
1985 Indiana Building (675 IAC 13-2 effective March 1, 1986) through 1993 Indiana Building Code (675 IAC 13-2.2 effective January 3, 1993) [2; 3]	1998 Indiana Building Code (675 IAC 12-2.3 effective April 30, 1998) [2; 3]	2003 Indiana Building Code (675 IAC 13-2.4 effective April 21, 2003) [2; 3]
A-1	A-1	A-1
A-2	A-2	A-1; A-2
A2.1	A-2.1	A-1
A-3	A-3	A-1; A-2; A-3
A-4	A-4	A-4; A-5
NOTE: Prior to adoption of 2003 Indiana Building Code (675 IAC 13-2.4) Assembly "A" occupancy classification was determined by the presence of a legitimate stage, without a legitimate stage, and occupant load.		
B-1	S-3	
B-2	B; F-1; M; S-1 and S-2	B; F-1; M; S-1 and S-2
B-3	S-4; S-5	
B-4	F-2; S-2	F-2; S-2
E-1	E-1	E
E-2	E-2	E
E-3	E-3	E - Daycare

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Opening Parking Garage	S-4	S-1
M	U	U – Private Parking Garage
2. Hazardous "H" Occupancy Classification Group: To determine if a change of occupancy has occurred, the rule of the commission in effect at the time the Hazardous Occupancy was established will need to be consulted to determine if a change of occupancy has occurred.		
3. Institutional "I" Occupancy Classification Group: To determine if a change of occupancy has occurred, the rule of the commission in effect at the time the Institutional Occupancy was established will need to be consulted to determine if a change of occupancy has occurred.		

103.3.5. An owner claiming there has been no change of occupancy classification shall provide written verification of the past occupancy classification group, including the occupancy classification group division of the Class 1 structure.

103.3.6 When an addition or alteration is part of a change in occupancy classification the existing building addition or alteration to the existing building shall not exceed:

1. height;
2. number of stories; or
3. area;

permitted by the rules of the commission for new construction for the new occupancy classification.

~~A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the *International Existing Building Code*.~~

~~**Exception:** Where *approved* by the *fire code official*, a change of occupancy shall be permitted without complying with the requirements of this code and the *International Existing Building Code*, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy~~.

[A] 103.4 ~~102.4~~ Application of building code. The design and construction of new Class 1 structures shall comply with the Indiana ~~*International*~~ *Building Code (675 IAC 13)*, and any *alterations*, additions, changes in use or changes in structures required by this code, which are within the scope of the Indiana ~~*International*~~ *Building Code (675 IAC 13)*, shall be made in accordance therewith.

[A] 103.5 ~~102.5~~ Application of Class 2 structures ~~residential code~~. Where structures are designed and constructed in accordance with the Indiana ~~*International*~~ *Residential Code (675 IAC 14)*, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply ~~including, but not limited~~ to, premises identification, fire apparatus access and water supplies. ~~Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 shall apply.~~
2. ~~Administrative, operational and maintenance provisions of this code shall apply.~~

[A] 103.6 ~~102.6~~ Historic Class 1 structures. ~~buildings~~. The provisions of this rule ~~code~~ relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan as required in Section 1103.1.1.

[A] 103.7 ~~102.7~~ Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the

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requirements of this code to the prescribed extent of each such reference and as further regulated by Sections 103.7.1 ~~102.7.1~~ and 103.7.2 ~~102.7.2~~.

[A] 103.7.1 ~~102.7.1~~ Conflicts. Where conflicts occur between provisions of this rule ~~code~~ and referenced rule ~~codes~~ and standards, the provisions of this rule ~~code~~ shall apply.

[A] 103.7.2 ~~102.7.2~~ Provisions in referenced rules ~~codes~~ and standards. Where the extent of the reference to a referenced rule ~~code~~ or standard includes subject matter that is within the scope of this rule ~~code~~, the provisions of this rule ~~code~~, as applicable, shall take precedence over the provisions in the referenced rule ~~code~~ or standard.

[A] 103.8 ~~102.8~~ Subjects not regulated by this rule ~~code~~. Where applicable standards or requirements are not set forth in this rule ~~code~~, or are contained within other laws, ~~codes~~rules , regulations, ordinances ~~or bylaws~~ adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this rule ~~code~~. Nothing herein shall derogate from the authority of the *fire code official* to determine compliance with rule codes or standards for those activities or installations within the *fire code official's* jurisdiction or responsibility.

~~**[A] 102.9 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the *fire code official*.~~

~~**[A] 102.10 Conflicting provisions.** Where there is a conflict within the rules of the commission between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a any specific case, different sections of the rules of the commission this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.~~

[A] 103.9 ~~102.11~~ Other laws. The provisions of this rule ~~code~~ shall not be deemed to nullify any provisions of local law that is not in conflict or more stringent with the rules of the commission, or other~~,~~ state or federal law.

[A] 103.10 ~~102.12~~ Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this rule~~code~~.

~~*PART 2—ADMINISTRATION AND ENFORCEMENT*~~

SECTION 104 ~~103~~—CODE COMPLIANCE AGENCY

[A] 104.1 ~~103.1 Creation of agency.~~ . Local inspection and enforcement programs fo the fire prevention rule shall be as set out in IC 36-8-17-8~~ is hereby created and the official in charge thereof shall be known as the *fire code official*. The function of the agency shall be~~ for the implementation, administration and enforcement of the provisions of this rule. ~~code~~.

[A] 104.2 ~~103.2~~ Appointment. The *fire code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 104.3 Local Ordinance. In accordance with IC 22-15-2 a city, town or county is permitted to adopt an ordinance which incorporates by reference the rules of the commission. ~~**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *fire code official* shall have the authority to appoint a deputy *fire code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *fire code official*.~~

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SECTION 105 ~~104~~—DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

[A] 105.1 ~~104.1~~ General. The State Fire Marshal, and their designees, or *fire code official* is hereby authorized to enforce the provisions of this code.

[A] 105.2 ~~104.2~~ Determination of compliance. The State Fire Marshal and their designees, *fire code official*, or *building code official* shall have the authority to determine compliance with this code., ~~to render interpretations of this code and to~~ The State Fire Marshal and the *fire code official* shall adopt policies and procedures in order to clarify the application of its provisions. Such ~~interpretations,~~ policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.
3. The State Building Commissioner may render official interpretation on this rule as set out in IC 22-13-5, as may be amended from time to time.

[A] 105.2.1 ~~104.2.1~~ Listed compliance. Where this rule ~~code~~ or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the *fire code official* *or the building code official*.

[A] 105.2.2 ~~104.2.2~~ Technical assistance. To determine compliance with this code, the *fire code official* is authorized to require the *owner* or *owner's* authorized agent to provide a technical opinion and report.

[A] 105.2.3 ~~104.2.2.1~~ Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 105.2.2.2 ~~104.2.2.2~~ Preparer qualifications. The technical opinion and report shall be prepared by a ~~qualified engineer, specialist,~~ laboratory accredited by the American Association of Laboratory Accreditation or fire safety specialty organization acceptable to the *fire code official*. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a ~~*registered*~~ *design professional*.

[A] 105.2.2.3 ~~104.2.2.3 Content.~~ The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

[A] 105.2.2.4 ~~104.2.2.4~~ Tests. Where there is insufficient evidence of compliance with the provisions of this rule~~code~~, the *fire code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this rule ~~code~~ or by other recognized test standards. In the absence of recognized test standards, the *fire code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *fire code official*.

[A] 105.2.3 ~~104.2.3~~ Alternative materials, design and methods of construction and equipment. The provisions of this section do not authorize a variance from any rule adopted by the Commission, or this rule ~~code~~ are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this rule~~code~~, provided that any such alternative has been *approved*.

~~**Exception:** Performance based alternative materials, designs or methods of construction and equipment complying with the *International Code Council Performance Code*.~~

[A] 105.2.3.1 ~~104.2.3.1~~ Approval authority. An alternative material, design or method of construction shall be *approved* where the *fire code official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

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[A] 105.2.3.2 ~~104.2.3.2~~ Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *fire code official* for approval. Where the alternative material, design or method of construction is not *approved*, the *fire code official* shall respond in writing, stating the reasons the alternative was not *approved*.

105.2.3.3 ~~104.2.3.3~~ Compliance with code intent. The *fire code official* may accept as evidence of compliance with the rules of the commission any evaluation report that contains limitations, conditions, or standards for alternative materials, methods of construction or design procedures and is published by an independent, nationally recognized testing laboratory that is accredited by the American Association of Laboratory Accreditation or any one (1) of the following:

1. Factory Mutual Loss Prevention Data Sheets and test reports (FM)
2. International Code Council (ICC) Evaluation Services Report (ESR) or Plumbing, Mechanical and Fuel Gas (PMG) Evaluation Report.
3. International Organization for Standardization (ISO) ISO standards listed by the American National Standards Institute (ANSI).
4. International Electrotechnical Commission (IEC) IEC standards listed by the American National Standards Institute (ANSI).

~~An alternative material, design or method of construction shall comply with the intent of the provisions of this code~~.

[A] 105.2.3.4 ~~104.2.3.4~~ Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this rule ~~code~~ with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

[A] 105.2.3.5 ~~104.2.3.5~~ Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *fire code official*.

[A] 105.2.3.5.1 ~~104.2.3.5.1~~ Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *fire code official*.

[A] 105.2.3.6 ~~104.2.3.6~~ Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 105.2.3.6.1 ~~104.2.3.6.1~~ and 105.2.3.6.2 ~~104.2.3.6.2~~.

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[A] 105.2.3.6.1 ~~104.2.3.6.1~~ **Evaluation reports.** Evaluation reports shall be issued by an *approved agency* and use of the evaluation report shall require approval by the *fire code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *fire code official's* recognition of the *approved agency*. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *fire code official*.

[A] 105.2.3.6.2 ~~104.2.3.6.2~~ **Other reports.** Reports not complying with Section 105.2.3.6 ~~104.2.3.6.1~~ shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by an Indiana licensed *design professional* ~~qualified engineer, specialist, laboratory~~ or fire safety specialty organization acceptable to the local *fire code official*. The local *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, an Indiana licensed *design professional* *registered design professional*.

[A] ~~104.2.3.7 Peer review.~~ ~~The *fire code official* is authorized to require submittal of a *peer review* report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is *approved* by the *fire code official*.~~

105.2.4 **Modifications.** Where there are practical difficulties involved in carrying out the provisions of this ~~code~~rule, the department or commission shall approve or deny such modifications through the variance process as set out in Section 113 of this rule. ~~the *fire code official* shall have the authority to grant modifications in accordance with Section 104.2.4.1 or 104.2.4.2.~~

~~104.2.4.1 **Individual cases.** The *fire code official* shall have the authority to grant modifications for individual cases, provided that the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the code compliance agency.~~

~~104.2.4.2 **Natural disasters.** In preparation for, during and after a natural disaster event, as determined by the *fire code official*, the *fire code official* shall have the authority to issue written policies, procedures or rules that modify this code as necessary to protect life and property. Such policies, procedures or rules shall be made available to the public and shall include start and end dates, which can be extended at the *fire code official's* discretion.~~

[A] 105.3 ~~104.3~~ **Applications and permits.** The *fire code official* is authorized to ~~receive applications,~~ review *construction documents* and ~~issue permits for construction regulated by this code,~~ issue permits for operations regulated by this rule ~~code~~, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this ~~code~~rule.

[A] 105.4 ~~104.4~~ **Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this rule~~code~~, or where the *fire code official* has reasonable cause to believe that there exists in a structure or on any premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *fire code official* is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed on the *fire code official* by this rule~~code~~. If such structure or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the *fire code official* shall have recourse to every remedy provided by law to secure entry.

[A] 105.4.1 ~~104.4.1~~ **Warrant.** Where the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent, occupant or person having charge, care or control of the structure or premises shall not fail or neglect, after a proper request is made as herein provided, to permit entry therein by the *fire code official* for the purposes of inspection and examination pursuant to this code.

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[A] 105.5 ~~104.5~~ Identification. The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 105.6 ~~104.6~~ Notices and orders. The *fire code official* shall issue necessary notices or orders to ensure compliance with this rule ~~code~~. Notices of violations shall be in accordance with IC XXXX ~~Section 113~~.

[A] 105.7 ~~104.7~~ Official records. Where a local Fire Prevention Ordinance has not been adopted by the jurisdiction, the~~The~~ *fire code official* shall keep official records of all inspections and violation orders. as required by the jurisdictions adopted records retention schedule. ~~Sections 104.7.1 through 104.7.6.~~ Such official records shall be retained in accordance with the records retention schedule for the jurisdiction or state law, if there is no local retention schedule for the *fire code official* ~~for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.~~

~~**[A] 104.7.1 Approvals.** A record of approvals shall be maintained by the *fire code official* and shall be available for public inspection during business hours in accordance with applicable laws.~~

[A] 105.7.1 ~~104.7.2~~ Inspections. The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

105.7.2 ~~104.7.3~~ Fire records. The *fire code official* shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

[A] 105.7.3 ~~104.7.4~~ ~~Code~~ Rule alternatives ~~and modifications~~. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; ~~modifications in accordance with Section 104.2.4; and~~ documentation of the final decision of the *fire code official* ~~for either~~ shall be in writing and shall be retained in the official records.

[A] 105.7.4 ~~104.7.5~~ Tests. The *fire code official* shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

~~**[A] 104.7.6 Fees.** The *fire code official* shall keep a record of fees collected and refunded in accordance with Section 108.~~

~~**[A] 104.8 Liability.** The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.~~

~~**[A] 104.8.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The *fire code official* or any subordinate shall not be liable for costs in an action, suit or proceed- ing that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.~~

105.8 ~~104.9~~ Approved materials and equipment. Materials, equipment and devices *approved* by the *fire code official* shall be constructed and installed in accordance with such approval.

[A] 105.8.1 ~~104.9.1~~ Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order and *approved*.

~~**104.9 Fire investigations.** The *fire code official*, the fire department or other responsible authority shall have the authority to inves- tigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the~~

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~~public record, except as directed by a court of law.~~

~~104.9.1 **Assistance from other agencies.** Police and other enforcement agencies shall have authority to render necessary assis- tance in the investigation of fires when requested to do so.~~

~~104.10 **Authority at fires and other emergencies.** The *fire chief* or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the *fire chief* is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the fire department and, in the judgment of the *fire chief*, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.~~

~~104.10.1 **Barricades.** The *fire chief* or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.~~

~~104.10.2 **Obstructing operations.** Persons shall not obstruct the operations of the fire department in connection with extin- guishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the *fire chief* or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.~~

~~**Systems and devices.** Persons shall not render a system or device inoperative during an emergency unless by direction of the *fire chief* or fire department official in charge of the incident~~.

SECTION 106~~105~~—PERMITS

[A] 106.1 ~~105.1~~ **General.** Permits shall be in accordance with Sections 105.1.1 through 105.6.25.

[A] 106.1.1 ~~105.1.1~~ Permits required. A property *owner* or *owner's* authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this rule ~~code~~, or to cause any such work to be performed, shall first make application to the *fire code official* *or building code official* and obtain the required permit from the appropriate official.

106.1.2 Types of permits. There shall be two (2) types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.5 for either:
   1.1. A prescribed period.
   1.2. Until renewed or revoked.
2. Construction permit. Construction permits shall be obtained from the *building code official.* ~~A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.6.~~

106.1.3 Multiple permits for the same location. Where more than one (1) permit is required for the same location, the *fire code official* is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

Exception:

Building permits required to be issued by the *building code official.*

[A] 106.1.4 ~~105.1.4~~ **Emergency repairs.** Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next

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~~working~~ business day to the *fire code official* *or building code official,* depending on the responsible party to issue said permit.

[A] **106.1.5** ~~**105.1.5**~~ **Repairs.** Application or notice to the *fire code official* is not required for ordinary repairs to ~~structures,~~ equipment or systems. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall any repairs include addition to, *alteration* of, replacement or relocation of any standpipe, fire protection water supply, *automatic sprinkler system*, fire alarm system or other work affecting fire protection or life safety.

~~**[A] 105.1.6 Annual permit.** Instead of an individual construction permit for each *alteration* to an already *approved* system or equipment installation, the *fire code official* is authorized to issue an annual permit on application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or oper- ated by the applicant for the permit.~~

~~**[A] 105.1.6.1 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of *alter- ations* made under such annual permit. The *fire code official* shall have access to such records at all times or such records shall be filed with the *fire code official* as designated.~~

[A] **106.2** ~~**105.2**~~ **Application.** Application for a permit required by this rule ~~code~~ shall be made to the *fire code official* *or building code official* in such form and detail as prescribed by the jurisdiction. ~~by the *fire code official*.~~ Applications for permits shall be accompanied by such plans as prescribed by the ~~*fire code official*~~ *jurisdiction*.

~~**[A] 105.2.1 Refusal to issue permit.** If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the *fire code official* shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, where requested, be in writing and shall contain the reasons for refusal.~~

[A] **106.2.2** ~~**105.2.2**~~ **Inspection authorized.** Before a new operational permit is issued ~~*approved*~~, the *fire code official* is authorized to inspect the ~~receptacles, vehicles, buildings, devices,~~ premises, ~~storage spaces~~ or areas to be used to determine compliance with this code or any operational constraints required.

[A] **106.2.3** ~~**105.2.3**~~ **Time limitation of application.** An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the *fire code official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] **106.2.4** ~~**105.2.4**~~ **Action on application.** The *fire code official* *or building code official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *fire code official* *or building code officials may* ~~shall~~ reject such application in writing, stating the reasons therefor. If the *fire code official* *or building code official* is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the *fire code official* *or building code official* shall issue a permit therefor as soon as practicable.

[A] **106.3** ~~**105.3**~~ **Conditions of a permit.** A permit shall constitute permission to maintain, store or handle materials; or to conduct processes that produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any *fire protection system* or equipment or any other construction, equipment installation or modification in accordance with the provisions of the rules of the commission ~~this code~~ where a permit is required. ~~by Section 105.5 or 105.6.~~ Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of the rules of the commission ~~this code or other applicable regulations~~ or laws of the jurisdiction.

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[A] 106.3.1 ~~105.3.1~~ **Expiration.** An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. ~~Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.~~ Before such work recommences, a new permit shall be first obtained. ~~and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original *construction documents* for such work, and provided further that such suspension or abandonment has not exceeded one year.~~ Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

[A] 106.3.2 ~~105.3.2~~ **Extensions.** A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit where work is unable to be commenced within the time required by this section for good and satisfactory reasons. The *fire code official* *or building code official* is authorized to grant, in writing, one or more extensions of the time period of a permit. ~~for periods of not more than 180 days each.~~ Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

~~**[A] 105.3.3 Occupancy prohibited before approval.** The building or structure shall not be occupied prior to the *fire code official* issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.~~

~~**[A] 105.3.4 Conditional permits.** Where permits are required and on the request of a permit applicant, the *fire code official* is authorized to issue a conditional permit to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The *fire code official* shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.~~

[A]106.3.5 ~~105.3.5~~ **Posting the permit.** Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *fire code official* *or building code official*.

[A] 106.3.6 ~~105.3.6~~ **Compliance with** rules ~~code~~**.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the rules of the commission ~~this code or of any other ordinance of the jurisdiction.~~ Permits presuming to give authority to violate or cancel the provisions of the rules of the commission ~~this code or other ordinances of the jurisdiction~~ shall not be valid. The issuance of a permit based on *construction documents* and other data shall not prevent the *fire code official* *or building code official* from requiring the correction of errors in the *construction documents* and other data. Any addition to or alteration of *approved construction documents* shall be *approved* in advance by the *fire code official* *or building code official*, as evidenced by the issuance of a new or amended permit.

[A] 106.3.7 ~~105.3.7~~ **Information on the permit.** The *fire code official* *or the building code official* shall issue ~~all~~ permits as required. ~~by this code on an *approved* form furnished for that purpose.~~ The permit shall contain a general description of the operation or occupancy and its ~~location~~location, and any other information required by the *fire code official* *or building code official*. Issued permits shall bear the signature of the *fire code official* *or the building code official* ~~or other *approved* legal authorization.~~

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[A] 106.3.8 ~~105.3.8~~ Validity of permit. The issuance ~~or granting~~ of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the rules of the commission ~~this code~~ or of any other ordinances of the jurisdiction. ~~Permits presuming to give author- ity to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.~~ The issuance of a permit based on *construction documents*, operational documents and other data shall not prevent the *fire code official* *or building code official* from requiring correction of errors in the documents or other data.

[A] 105.4 ~~105.4~~ Revocation. The *fire code official* *or building code official* is authorized to revoke a permit issued under the provisions of this code where it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or *construction documents* on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

106.5 Required operational permits. The *fire code official* is authorized to issue operational permits. ~~for the operations set forth in Sections 105.5.2 through 105.5.53~~.

NOTE: due to ICC internal formatting using list formatting, did not permit changes to Section numbers in Section 105.5 now Section 106.5. Since modification to sections number was not possible, the original sections number were deleted.

106.5.1 Additive manufacturing. An operational permit is required to conduct *additive manufacturing* operations regulated by Section 4106.3.

106.5.2 Aerosol products, aerosol cooking spray products and plastic aerosol 3 products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products, aerosol cooking spray products or plastic aerosol 3 products in excess of 500 pounds (227 kg) net weight.

~~105.5.1 **Amusement areas.** An operational permit is required to operate a *special amusement area*.~~

106.5.3 Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

~~105.5.2 **Carnivals and fairs.** An operational permit is required to conduct a carnival or fair.~~

106.5.4 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

106.5.5 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing *combustible dusts* as defined in Chapter 2.

106.5.6 Combustible fibers. An operational permit is required for the storage and handling of *combustible fibers* in quantities greater than 100 cubic feet (2.8 m^3).

Exception: A permit is not required for agricultural storage.

106.5.7 Compressed gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of *compressed gases* in excess of the amounts listed in Table ~~105.5.7~~ ~~105.5.9~~

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Exception: Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

TABLE 106.5.7 ~~105.5.9~~—PERMIT AMOUNTS FOR COMPRESSED GASES	
TYPE OF GAS	**AMOUNT (cubic feet at NTP)**
Carbon dioxide used in carbon dioxide enrichment systems	875 (100 lb)
Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications	875 (100 lb)

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TABLE 106.5.7 ~~105.5.9~~—PERMIT AMOUNTS FOR COMPRESSED GASES—continued	
TYPE OF GAS	**AMOUNT (cubic feet at NTP)**
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount
For SI: 1 cubic foot = 0.02832 m^3.	

106.5.8 **Covered and open mall buildings.** An operational permit is required for:

~~1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.~~

~~2.~~1. The display of liquid- or gas-fired equipment in the mall.

~~3.~~2. The use of open-flame or flame-producing equipment in the mall.

106.5.9 **Cryogenic fluids.** An operational permit is required to produce, store, transport on site, use, handle or dispense *cryogenic fluids* in excess of the amounts listed in Table 106.5.9.~~105.5.19~~.

Exception: Permits are not required for vehicles equipped for and using *cryogenic fluids* as a fuel for propelling the vehicle or for refrigerating the lading.

TABLE 106.5.9~~105.5.11~~9—PERMIT AMOUNTS FOR CRYOGENIC FLUIDS		
TYPE OF CRYOGENIC FLUID	**INSIDE BUILDING (gallons)**	**OUTSIDE BUILDING (gallons)**
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount
For SI: 1 gallon = 3.785 L.		

106.5.10 **Cutting and welding.** An operational permit is required to conduct cutting or welding operations within the jurisdiction.

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106.5.11 Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

106.5.12 Energy storage systems. An operational permit is required for stationary and mobile energy storage systems regulated by Section 1207.

~~**105.5.15 Exhibits and trade shows.** An operational permit is required to operate exhibits and trade shows.~~

106.5.13 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of *explosives*, *explosive materials*, fireworks or pyrotechnic special effects within the scope of Chapter 56.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

106.5.14 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

106.5.15 Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of *flammable* or *combustible liquids*. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
   2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the *fire code official*, would cause an unsafe condition.
   2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

~~4.~~3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

~~5.~~4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

~~6.~~5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the *approved*, stationary on-site pumps normally used for dispensing purposes.

~~7.~~6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where *flammable* and *combustible liquids* are produced, processed, transported, stored, dispensed or used.

~~8.~~7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground *flammable* or *combustible liquid* tank.

~~9.~~8. To change the type of contents stored in a *flammable* or *combustible liquid* tank to a material that poses a greater hazard than that for which the tank was designed and constructed.

~~10.~~9. To manufacture, process, blend or refine *flammable* or *combustible liquids*.

~~11.~~10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand *mobile fueling* operations in accordance with Section 5707.

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~~12.~~11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or, where required by the *fire code official*, to utilize a site for on-demand *mobile fueling* operations in accordance with Section 5707.

105.5.16 Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m^2) using Class I or Class II liquids.

106.5.17 Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit- ripening process using ethylene gas.

16.5.18 Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

106.5.19 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 106.5.19 ~~105.5.22~~.

TABLE 106.5.19 ~~105.5.22~~—PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section ~~105.5.18~~
Corrosive materials	
Gases	See Section ~~105.5.9~~
Liquids	55 gallons
Solids	1,000 pounds
Explosive materials	See Section ~~105.5.16~~
Flammable materials	
Gases	See Section ~~105.5.9~~
Liquids	See Section ~~105.5.18~~
Solids	100 pounds
Highly toxic materials	
Gases	See Section ~~105.5.9~~
Liquids	Any Amount
Solids	Any Amount
Organic peroxides	

TABLE 105.5.19 ~~105.5.22~~—PERMIT AMOUNTS FOR HAZARDOUS MATERIALS—continued

TYPE OF MATERIAL	AMOUNT
Liquid Class I Class II Class III Class IV Class V	Any Amount Any Amount 1 gallon 2 gallons No Permit Required
Solids Class I Class II Class III Class IV Class V	Any Amount Any Amount 10 pounds 20 pounds No Permit Required
Oxidizing materials	
Gases	See Section ~~105.5.9~~

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Liquids Class 4 Class 3 Class 2 Class 1	Any Amount 1 gallon[a] 10 gallons 55 gallons
Solids Class 4 Class 3 Class 2 Class 1	Any Amount 10 pounds[b] 100 pounds 500 pounds
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section ~~105.5.9~~
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids Class 4 Class 3 Class 2 Class 1	Any Amount Any Amount 5 gallons 10 gallons
Solids Class 4 Class 3 Class 2 Class 1	Any Amount Any Amount 50 pounds 100 pounds
Water-reactive materials	
Liquids Class 3 Class 2 Class 1	Any Amount 5 gallons 55 gallons
Solids Class 3 Class 2 Class 1	Any Amount 50 pounds 500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

a. 22 gallons where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 22 gallons or less.

b. 220 pounds where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 220 pounds or less.

106.5.20 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

106.5.21 High-piled storage. An operational permit is required to use a building or portion thereof with more than 500 square feet (46 m^2), including aisles, of *high-piled combustible storage*.

106.5.22 Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

   Exception: Work that is conducted under a construction permit.
3. Fixed-site hot work equipment, such as welding booths.

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4. Hot work conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
6. Where *approved*, the *fire code official* shall issue a permit to carry out a hot work program. This program allows *approved* personnel to regulate their facility's hot work operations. The *approved* personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision.

106.5.23 Indoor plant cultivation. An operational permit is required for plant cultivation where a carbon dioxide (CO_2) enriched environment is created.

106.5.24 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.

106.5.25 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

106.5.26 Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m) of lithium- ion and lithium metal batteries, where required by Section 320.2.

106.5.27 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

   Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

106.5.28 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft^3) (236 m^3).

106.5.29 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

106.5.30 Miscellaneous combustible storage. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71 m^3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material.

~~105.5.2 **Motor fuel-dispensing facilities.** An operational permit is required for the operation of automotive, marine and fleet motor fuel-dispensing facilities.~~

~~105.5.3 **Open burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be complied with.~~

~~**Exception:** *Recreational fires.*~~

~~105.5.4 **Open flames and torches.** An operational permit is required to remove paint with a torch, or to use a torch or open- flame device in a wildfire risk area.~~

106.5.31 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

106.5.32 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

106.5.33 Outdoor assembly event. An operational permit is required to conduct an *outdoor assembly event* where planned attendance exceeds 1,000 persons.

~~105.5.3 **Places of assembly.** An operational permit is required to operate a place of assembly.~~

~~105.5.42 **Plant extraction systems.** An operational permit is required to use plant extraction systems.~~

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~~105.5.4~~

106.5.34 **Private fire hydrants.** An operational permit is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

106.5.35 **Pyrotechnic special effects material.** An operational permit is required for use and handling of pyrotechnic special effects material.

106.5.36 **Pyroxylin plastics.** An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.

106.5.37 **Refrigeration equipment.** An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

~~**105.5.34 Repair garages and motor fuel-dispensing facilities.** An operational permit is required for operation of repair garages.~~

106.5.38 **Rooftop heliports.** An operational permit is required for the operation of a rooftop heliport.

106.5.39 **Spraying or dipping.** An operational permit is required to conduct a spraying or dipping operation utilizing *flammable* or *combustible liquids*, or the application of combustible powders regulated by Chapter 24.

106.5.40 **Storage of scrap tires and tire byproducts.** An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m^3) of total volume of scrap tires, and for indoor storage of tires and tire byproducts.

106.5.41 **Temporary membrane structures, special event structures and tents.** An operational permit is required to operate an air-supported temporary membrane structure, a temporary *special event structure* or a tent having an area in excess of 400 square feet (37 m^2).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents, curtains and extensions attached thereto, when used for funeral services.
3. Tents open on all sides, which comply with all of the following:
   - 3.1 Individual tents having a maximum size of 700 square feet (65 m^2).
   - 3.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m^2) total.
   - 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

106.5.42 **Tire-rebuilding plants.** An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

106.5.43 **Waste handling.** An operational permit is required for the operation of wrecking yards, junk yards and waste material- handling facilities.

106.5.44 **Wood products.** An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m^3).

106.5.45 **Temporary heating or cooking in tents or membrane structures.** An operational permit is required to operate temporary heating or cooking equipment within tents or membrane structures.

106.5.46 **Temporary heating or cooking in wildfire risk areas.** Where required by local regulations, an operational permit is required to operate temporary heating or cooking equipment in wildfire risk areas

~~**105.5.35 Temporary heating for construction sites.** An operational permit is required to operate temporary heating equipment in structures during the course of construction, *alteration* or demolition.~~

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[A] 106.6 ~~105.6~~ Required construction permits. The *fire code official* is authorized to issue construction permits for work as set forth in this Section ~~s 105.6.1 through 105.6.25~~.

[~~A] 105.6.1 Automatic fire-extinguishing systems.~~ ~~A construction permit is required for installation of or modification to an *automatic fire-extinguishing system*, other than an *automatic sprinkler system*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit~~.

~~[A] **105.6.2 Automatic sprinkler systems.** A construction permit is required for installation of or modification to an *automatic sprinkler system*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

~~[A] **105.6.3 Compressed gases.** Where the *compressed gases* in use or storage exceed the amounts listed in Table 105.5.9, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a *compressed gas* system.~~

~~**Exceptions:**~~

~~1. Routine maintenance.~~

~~2.~~1. ~~For emergency repair work performed on an emergency basis, application for permit shall be made within two work ing days of commencement of work~~.

~~[A] 105.6.4 Cryogenic fluids.~~ ~~A construction permit is required for installation of or *alteration* to outdoor stationary *cryogenic fluid* storage systems where the system capacity exceeds the amounts listed in Table 105.5.11. Maintenance performed in accordance with this code is not considered to be an *alteration* and does not require a construction permit~~.

~~[A] 105.6.5 Emergency responder communication coverage system.~~ ~~A construction permit is required for installation of or modification to in-building, two-way emergency responder communication coverage systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit~~.

~~[A] 105.6.6 Energy storage systems.~~ ~~A construction permit is required to install energy storage systems regulated by Section 1207~~.

~~[A] 105.6.7 Fire alarm and detection systems and related equipment.~~ ~~A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.~~

~~[A] **105.6.8 Fire pumps and related equipment.** A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.~~

~~[A] **105.6.9 Flammable and combustible liquids.** A construction permit is required:~~

~~1. To install, repair or modify a pipeline for the transportation of *flammable* or *combustible liquids*.~~

~~2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where *flammable* and *combustible liquids* are produced, processed, transported, stored, dispensed or used.~~

~~3.~~1. ~~To install, alter, remove, abandon or otherwise dispose of a *flammable* or *combustible liquid tank*~~.

~~[A] 105.6.10 Fuel cell power systems.~~ ~~A construction permit is required to install *stationary fuel cell power systems*.~~

~~[A] 105.6.11 Gas detection systems.~~ ~~A construction permit is required for the installation of or modification to *gas detection systems*. Maintenance performed in accordance with this code is not considered a modification and shall not require a permit.~~

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[A] 105.6.1 ~~105.6.12~~ Gates and barricades across fire apparatus access roads. A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.

~~**[A] 105.6.13 Hazardous materials.** A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 where the hazardous materials in use or storage exceed the amounts listed in Table 105.5.22.~~

~~**Exceptions:**~~

~~1. Routine maintenance.~~

~~2.~~ 1. ~~For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~[A] **105.6.14 High-piled combustible storage.** A construction permit is required for the installation of or modification to a structure with more than 500 square feet (46 m^2), including aisles, of *high-piled combustible storage*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.~~

~~[A] **105.6.15 Industrial ovens.** A construction permit is required for installation of industrial ovens regulated by Chapter 30.~~

~~**Exceptions:**~~

~~1. Routine maintenance.~~

~~2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~**[A] 105.6.16 LP-gas.** A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

~~**[A] 105.6.17 Motor vehicle repair rooms and booths.** A construction permit is required to install or modify a motor vehicle repair room or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

~~**[A] 105.6.18 Plant extraction systems.** A construction permit is required for installation of or modification to plant extraction systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

~~**[A] 105.6.19 Private fire hydrants.** A construction permit is required for the installation or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

~~**[A] 105.6.20 Smoke control or smoke exhaust systems.** Construction permits are required for installation of or alteration to smoke control or smoke exhaust systems. Maintenance performed in accordance with this code is not considered to be an *alteration* and does not require a permit.~~

~~**[A] 105.6.21 Solar photovoltaic power systems.** A construction permit is required to install or modify solar photovoltaic power systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

~~[A] **105.6.22 Special event structure.** A single construction permit is required to erect and take down a *temporary special event structure* in accordance with Section 105.5.50.~~

~~[A] **105.6.23 Spraying or dipping.** A construction permit is required to install or modify a spray room, dip tank or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

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~~[A] **105.6.24 Standpipe systems.** A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.~~

~~[A] **105.6.25 Temporary membrane structures and tents.** A construction permit is required to erect an air-supported temporary membrane structure, a temporary special event structure or a tent in accordance with Section 105.5.50.~~

SECTION 107 ~~106~~—~~CONSTRUCTION DOCUMENTS~~ -DESIGN RELEASE

107.1 Purpose and scope. The purpose of this section is to establish an administrative procedure for the submission of plan and specifications for the issuance of a design release as set out in IC 22-15-3 and IC 22-15-3.2.

107.2 Form of Notice

All forms of notice shall from the department shall be as set out in IC 22-15-3.5.

107.3 Design release; required.

107.3.1. No construction shall be performed on a Class 1 structure until a design release has been issued by the Department unless the construction to be performed, which is a type specifically exempted from the design release requirements by section 107.23

107.3.2 All applications for design releases set out in this section including construction plans and specifications shall be submitted electronically to the department's official on-line portal.

107.4 Compliance with rules of commission.

The issuance of a design release does not relieve the owner from compliance with all applicable rules of the commission for new construction, even if items contrary to the rules of the commission are shown in plans and specifications that have been issued one (1) or more design releases by the Department.

107.5 Requirements of other laws.

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.

107.6. Qualification Application for design release

107.6.1. Qualifications of applicant for a design release are set out in IC 22-15-3-2 and IC 22-15-3-3. Indiana Code may be amended from time to time.

107.6.2. IC 22-15-3-2 requires the payment of fees. See Section 108 of this rule for all applicable fees.

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107.6.3 For an application to be considered a complete application for a design release, all information requested on the department on-line application portal shall be completed; including the following.

1. Name and address of the owner; and

1.1. Name, address, and registration number of the design professional for the project, if there is a design professional.

2. The application for design release shall be submitted:

2.1. By the owner; or

2.2. On behalf of the owner by the design professional for the project.

2.3 Any person purporting to be an agent of the owner other than the design professional may be required to submit written authorization of the fact.

3. Street address; or similar information that will readily identify the location of the proposed property where construction is to take place.

4. Description of the construction work for which the application for a design release is being made.

5. Provide the occupancy classification as set out in the Indiana Building Code (675 IAC 13) and describe the use of the proposed Class 1 structure.

6. A statement if the proposed construction is a part of a conversation of an existing building as set out in **Section 107.XXXX** of this rule.

7. The application shall be signed by the owner or the owner's duly authorized agent certifying that the project will:

7.1 be constructed in compliance with all applicable rules of the commission; and not be changed from the design specified in the plans and specifications submitted with the application and released by the department.

107.7. Design Professional

107.7.1 For requirements when a design professional is required see IC 22-15-3-3.

107.7.2 If a design professional is not required under IC 22-15-3-3, but a design professional certifies (signs and seals) the submitted drawings, then a design professional shall be required for all subsequent plan submittals to the department.

107.8 Qualification of application for fire sprinkler system.

107.8.1 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 architect or engineer license in accordance with IC 25-4 or IC 25-31.

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

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

107.9 Qualification for applicant for an Industrialized Building or Mobile Structure

675 IAC 15 special administrative rules set out the procedures for the qualification of an applicant and the submission of plans and specification for the issuance of a design release for Industrialized Building Systems or Mobile Structure.

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107.10 – Procedures for plan review and issuance of design release.

Procedures for the review of submitted plans and issuance of design release shall be in accordance with IC 22-15-3.2.

107.10.1 Plan review procedures set out in IC 22-15-3.2 is applicable to all design releases issued by the department.

107.11. Expedited plan review for design release.

107.11.1 To qualify for expedited plan review for the issuance of a design release, the applicant shall submit a complete application, plans and specifications including all applicable fees paid to the Department not later than 9:00 a.m. Indianapolis, Indiana time on the day that the complete application, plans and specification are submitted.

107.11.2 For complete submitted application for design release which qualify for expedited plan review for the issuance of the design release shall be released to the applicant not later than 4:30 p.m. the next business day the department is open for business.

107.11.3 Complete application, plan and specifications received after 9:00 a.m. local Indianapolis, Indiana time, do not qualify for an expedited plan review for the issuance of a design release and will be placed in the normal que for the issuance of a design release. Application fees shall be forfeited when the application does not qualify for expedited plan review for the issuance of the design release.

107.12 Conditional Design Release.

107.12.1 The Department may issuance design releases when the plan review process finds minor omissions or minor items contrary to the rules of the commission.

107.12.2 Conditional design releases may be issued without the need for further or corrected plans and specifications being filed.

107.12.3 Conditional design releases conditions shall be binding unless a petition for review is filed in accordance with Section 102.9

107.12.4 Conditional design releases may be issued for all types of design releases except foundation releases.

107.12.5 Conditional design release may be issued to an applicant who submits an application specifically requesting to permit the conversion of an existing building which complies with the requirements set out in **Section XXXX of** this rule.

107.13 Foundation Design Release

107.13.1 A foundation design release may be issued by the department if the Applicant submits a request for a foundation design release by submitting foundation design release application at the same time the application for the design release is submitted and pays the appropriate additional fees for a foundation design release in addition to any other fees due.

107.13.2 The issuance of a foundation design release does not limit the ability of the department to require additional information or fees required by this rule.

107.13.3 The Foundation design release permit foundation construction work only to proceed prior to the plan review and consideration of the issuance of a design release.

107.13.4 A foundation design release shall allow work to grade level only which may include slab on grade and underground mechanical, electrical, and plumbing work.

107.13.5 The foundation design release does not permit work on more than one (1) floor below grade level.

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Exception:

Continuous structural member, such as a pole, may extend from its footing below grade to its intended height above grade.

107.13.6 Any construction work beyond foundation or grade level is prohibited until an appropriate design release is issued.

107.13.7 The applicant bears any expense required to correct any work found to be necessary as a result of the project plan review conducted subsequent to the issuance of the foundation design release.

107.14– Addenda or revised design release

107.14.1. 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.

107.14.2 Such design changes shall not include increases in project height or area.

107.14.3. An applicant for an addendum or revised design release shall submit the following information to the department:

1. Application which shall be signed by the owner and design professional, if a design professional is required for the construction project.
2. The name and address of the construction project.
3. The department's project number.
4. The scope of the work involved in the design changes or additions.
5. The page or sheet number in the originally submitted plans and specifications affected by design change or addition.
6. One (1) copy of all changed plans and specifications.
7. Pay the Addenda or revised design release fee as set out in Section 108 of this rule.

107.14.4. 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.

107.15 Partial design releases

106.15.1 A partial design release may be issued by the department if the Applicant submits a request for a partial design release by submitting application for design release and selecting partial design release and stating the scope of the work involved. Submit plans and specification for which the partial design release is construction work specified in the partial design release application and pay fees for a partial design release in addition to any other fees due.

107.15.2 If a design release has been issued the applicant is required to provide the project number assigned by the department

107.15.3 Plans and specification submitted for a partial design release shall be in accordance with Section 106.6 and 107.7 of this rule.

107.15.4 Any construction beyond the scope of a partial design release prohibited until an appropriate design release is issued for the further construction work.

107.15.5 Requests for partial design releases shall be subject to the provisions of section 106.6, 106.7 and 106.8 of this rule.

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107.16 Master Design Release

107.16.1 Master plan design releases may be issued by the department.

107.16.2 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 for construction work to be undertaken as required by this section.

107.16.3. All applications for design releases that utilize a master plan design release shall reference the master plan design release number assigned by the department.

107.16.4 As used in this section, "master plan design release" means a set of plans and specifications for Class 1 structures where the scope of which includes only the structural framing and shell enclosures and does not include:

1. Mechanical;
2. Plumbing;
3. Fuel gas
4. Electrical;
5. Energy conservation; and
6. Accessibility;
7. Fire alarm;
8. Fire sprinkler system;
9. Type I Commercial kitchen hood fire extinguishing system.

107.16.5 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.

107.16.5. Application for master plan design release shall be submitted in accordance with Section 106.6 and 106.7 of this section.

107.16.6. The applicant shall pay the fees for a master plan design release as set out in Section 108 of this rule.

107.16.7 Requests for master plan design releases shall be subject to the provisions of this rule.

107.16.8 A master plan design release shall expire when one (1) or more of the following occurs:

1. The commission adopts new rules.
2. The department Issues an order following the requirements of IC 4-21.5-3-6.

107.16.9 If a petition for review of the department's order under section 106.19 above is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission.

107.17 Posting copy of the design release; maintenance of plans and specifications

107.17.1 The owner shall post a copy of the design release at the construction site.

107.17.2 The Design release shall be:

1. Posted In a conspicuous place on the at the job site.
2. Protected from the weather.
3. Located in such a position to be conveniently seen by inspectors.

107.17.3 A complete set of plans and specifications that conform exactly to the plans and specifications which were submitted to the department to obtain the design release(s) shall be maintained on the construction job site.

107.17.4 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.

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107.18 Denial and subsequent application

107.18.1 Application for design release which are denial as set out in section 106.6 of this rule requires the submission of a new application, plans, and specification for design release as set out in Section 106 of this rule.

107.18.2 All submitted documents for a design release which has been denied are subject to being destroyed without notice to the applicant, if the time period lapse for filing a petition for review in accordance with IC 4-21.5-3-7.

107.19 Design release sanctions.

107.19.1 In accordance with IC 22-12-7-7, the department may impose a sanction concerning any type of design release previously issued.

107.19.2 Sanctions which may be imposed are:

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

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

1. It is determined 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. Fees paid have been returned or rejected by the financial institution;
5. Design release was issues in violation of:
   - 5.1 a rule of the commission;
   - 5.2 fire safety law; or
   - 5.3 a building law.

107.19.4 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.

107.20 Expiration of design releases

All design releases (except master plan design releases) shall expire if the construction work on all buildings within the scope of the design release issued, is not commenced within one (1) year of the issue date indicated on the design release.

107.21 Extension of unexpired design release.

107.21.1 An owner holding an unexpired design release cannot request an extension for work to commence after the expiration date on the design release if the rules adopted by the commission for which the design release was granted have been repealed.

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107.21.2. An owner holding an unexpired design release who is unable to commence construction work within one (1) year of the date the design release was issued, submits in writing a request for an extension of time to begin construction to the State Building Commissioner.

1. The written request for extension shall provide substantial circumstances as to why construction work cannot commence prior to the expiration date of the design release issued.

2. The written request for extension shall include any changes made to the plans or specification or both from the originally submitted plans and specification for the work to be under taken for the design release issued.

107.21.3 Fees shall be paid for a written request for extension of an unexpired design release shall specified in Section 108 of this rule.

107.21.4 The State Building Commissioner may issue an order granting a one (1) time extension to commence construction work of an unexpired design release for which the rules of the commission have not been repealed for a period not to exceed one hundred eighty (180) days.

107.21.5 If the State Building Commissioner determines the changes made to the plans or specifications or both are substantial and affect the scope of the design release issued, the State Building Commissioner shall issue an order denying the written request for an extension of the design release.

106.21.6 The order granting or denying a one (1) time extension shall be issued by the State Building Commission 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.

107.22 Suspended or abandoned Construction work authorized by design release.

107.22.1 Where construction work authorized by a design release is suspended or abandoned for more than one hundred eighty (180) days or more, shall not resume if the rules adopted by the commission for which the design release was granted have been repealed.

107.22.2 When construction work authorized by a design release is suspended or abandoned for a period of one-hundred eighty (180) days at any time after construction work has commenced, the construction work shall not be resumed until an order granting or denying re-instatement of the design release issued.

107.22.3 If an owner wishes to resume construction after construction work was suspended or abandoned, for more than one hundred eighty (180) days, but less than one (1) year, the owner may submit a written request stating substantial reasons as to why construction was suspended or abandoned to the State Building Commissioner.

107.22.4 The written request to resume construction shall include any changes made to the plans or specification or both from the originally submitted plans and specification for the work to be under the design release issued.

107.22.5 Fees shall be paid at the time the written request to resume construction is submitted to the State Building Commissioner as set out in section 108 of this rule.

107.22.6 The State Building Commissioner may issue an order granting a one (1) time reinstatement for construction to resume.

107.22.7 If the State Building Commissioner determines the changes made to the plans or specifications or both are substantial and affect the scope of the design release issued, the State Building Commissioner shall issue an order denying the written request for reinstatement of the design release

107.22.8 The order granting or denying a reinstatement of a design release where construction was suspended or abandoned shall be issued by the State Building Commissioner following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission

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107.23 Exemption from design release requirements.

107.23.1 Design releases are required for construction of Class 1 structures except as set out in this Section.

107.23.2 Construction work on a Class 1 structure exempted from the design release requirements under this section are not exempt from compliance with rules of the commission for new construction.

107.23.3. Class 1 structures that will never be occupied or otherwise used in any part by the public or by a person who is acting as an employee of another, of the following:

1. Oil derricks.

2. Pipelines, including related physical support structures.

3. Tanks for storage of products, other than flammable or combustible liquids or gases, that are factory fabricated and assembled.

4. Electrical power cable transmission towers and substations.

5. Structures used for communication purposes, when mounted on a roof of a Class 1 Structure, except for:

5.1. Satellite dishes exceeding ten (10) feet in diameter; and

5.2. Antennas exceeding thirty (30) feet in Height;

6. Structures appurtenant to where the function of the structures are primarily the support of related equipment:

6.1. Industrial plants;

6.2. Power generating plants;

6.3 Gas plants;

6.4 Bulk storage facilities; and

6.5. Shipping terminals;

7. Structures of utilities:

7.1. Sewage;

7.2 Water;

7.3. Gas; and

7.3. Electric;

8. Signs, except those mounted on the roof of a Class 1 structure, that exceed one hundred (100) square feet of surface area.

107.23 4. Temporary structures.

107.23.5 Class 1 structures either;

1. Owned by the federal government; or

2. 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.)

107.23.6. One (1) story detached accessory Class 1 structures in Group B, F, R, S, U, or M Occupancy classifications that:

1. Does not exceed five hundred (500) square feet; and

2. Are used as:

2.1. Equipment shelters;

2.2. Tool and storage sheds (not used for the storage or handling of hazardous materials);

2.3. Freezers;

2.4. Coolers.

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

1. Does not:
    1.1 Exceed three hundred (300) square feet; and
    1.2 Impose an excessive structural load onto the existing structure; and
2. Are used as:
    2.1 Equipment shelters;
    2.2 Tool and storage sheds (not used for the storage or handling of hazardous materials);
    2.3 Freezers;
    2.4 Coolers.

107 23.8. One (1) story detached Class 1 structures that:

1. Do not exceed five hundred (500) square feet in floor area;
2. Have at least one (1) unenclosed side; and
3. Are used for personnel shelters, such as:
    3.1. Bus stops;
    3.2. Picnic shelters;
    3.3. Gazebos; and
    3.4. Pergola.

107.23.9. One (1) story detached Class 1 structures that:

1. Do not exceed two hundred (200) square feet in floor area; and
2. Are used as:
    2.1 Guard house;
    2.2. Retail sales;
    2.3 Kiosks;
    2.4. Drive-up facilities; and
    2.5. Roadside fruit and vegetable stands.

107.23.10. Fences, except for those enclosing:

1. Public swimming pools;
2. Liquified petroleum gas storage facilities; or
3.Flammable gas storage facilities.

107 23.11. Retaining or enclosure walls, except for those surrounding flammable or combustible liquids or gases storage facilities.

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107.23.12. 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:

1. 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.

2. Storage tanks for Class I, II, IIIA, or IIIB liquids:

2.1 Having a capacity of six hundred sixty (660) gallons or less;

2.2 That are portable; and

2.3 That are for temporary use only.

107.23.13. Structures used primarily for the display of agricultural products.

107.23.14. Structures to be used as Class 2 structures that are initially 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 a Class 2 Structure that are architectural, structural, electrical, plumbing, mechanical (HVAC).

107.23.15. Remodeling, renovations, or alterations to a Class 1 structures requires a design release except construction limited to one (1) or more of the following:

107.23. 15.1. Plumbing work as follows:

1. Replacement of piping, valves, or fixtures, provided that the replacement does not involve relocation of fixtures.

2. Installation of plumbing fixtures, provided that the drainage fixture unit count does not exceed five (5).

3. Replacement of water heaters with a similar type and capacity in the same location.

4. Installation of water heaters with a capacity of one hundred (100) gallons or less.

107.23.15.2. Electrical work as follows:

1. 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.

2. Portable or temporary equipment and devices energized by means of cord and plug.

3. Temporary installation of wiring and devices.

4. Installation of branch circuits not exceeding the capacity of the electrical distribution system within the existing building.

5. 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.

6. Electrical wiring, apparatus, or equipment installed by a public or private utility in the exercise of its function as a serving utility:

6.1 for the generation, transmission, distribution, or metering of electrical energy; or

6.2 in the operation of signals or the transmission of intelligence.

107.23.15.3 Mechanical work as follows:

1. Installation of any portable heating, ventilating, and air conditioning appliance or equipment.

2. Replacement of mechanical appliances and equipment with a similar type and rating in the same location.

3. Installation of any of the following:

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

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

3.3 A combination of the two (2) having an air-handling capacity not in excess of nine thousand (9,000) cubic feet per minute.

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4. Installation of heating or cooling equipment to be used for commercial processing work or activities where comfort of personnel is not of primary concern.

107.23.15.4 Fire sprinkler systems as follows:

1. Wet fire sprinkler system of light hazard or ordinary hazard classification as defined in the referenced standard chapter of this code titled National Fire Protection Association (NFPA) Standard for Installation of Sprinkler Systems (NFPA 13).

2. Replacement including:

2.1 Sprinkler heads;

2.2 Equipment; or

2.3 Piping to restore a system to its original condition and configuration.

3. Alteration, including:

3.1 Addition of up to an aggregate of twenty (20) sprinkler heads;

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

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

4. All additions or alterations permitted by this subdivision shall be documented by the installer and kept on file with the maintenance and testing records required by this code and referenced standard chapter of this code titled National Fire Protection Association (NFPA) Standard for the Inspection, Testing and Maintenance of Water-Base Fir Protections systems (NFPA 25).

107 23.15.4. Remodeling, renovations, or alterations to a Class 1 structures where subsequent to the issuance of the design release and the remodeling, renovation or alternation of the Class 1 structure does not require an additional design release or an addendum design release where the remodeling, renovation or alterations is:

1. A part of;

2. Supplemental to; or

3. An accessory of;

107.24 Plan and Specifications.

Construction documents and supporting data submitted for a design release shall be substantially clear and complete to show in detail that the proposed work will comply with the rules of the commission.

107.24.1 Construction documents shall be in the English language. Dimensions shall be in the English unit of measurements (yards, feet or inches).

107.24.2 One (1) complete set of plans and specification, including all supporting documents and data shall be submitted to the Indiana Department of Homeland Security official website portal.

107.24.3 Additional information may be requested to substantiate claims made that the proposed construction will comply with the rules of the commission.

107.24.4 Construction specifications for small construction projects may be provided on the plans.

107.24.5 Plans and Specifications for a design release shall include all of the following as applicable to the project:

107.24.5.1. Site plan drawn to scale, indicating:

1. Lot dimensions,

2. Dimensioned location of all buildings, proposed and existing from property lines,

2.1. Dimensions between proposed building and existing buildings;

2.2 width of street, alleys, or easements.

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107.24.5.2 Foundation and basement plan and details.

107.24.5.3 Fire and life safety plans showing graphically or by legend the location and fire-resistant rating of building elements, including supporting data for stated fire -resistant rating of the following:

1. Fire walls.
2. Fire barriers
3. Fie Partitions
4. Smoke barriers.
5. Smoke Partitions.
6. Horizontal fire-resistant assemblies.
7. Fire-resistant rated corridor walls
8. Stair enclosures.
9. Shaft enclosures.
10. Horizontal exits.

107.24.5.4 Detailed dimensioned floor plans drawn to scale for all floors indicating the following:

1. Room Designation/use
2. Wall configuration.
3. Stairway.
4. Means of egress components.
5. Corridors
6. Doors.
7. Windows.
8. Location of plumbing fixtures.
9. Chairlifts.
10. Elevators.

107.24.5.5. Wall elevations of all exterior walls

107.24.5.6. Sections and details of walls, floors, and roofs showing the following:

1. Dimensions.
2. Materials.
3. Heat transfer ratings

107.24.5.7 Structural plans and elevations indicating:

1. Size and location of all members,
2. Truss designs indicating all connection details and design loads,
3. All stress calculations if specifically requested.

107.24.5.7. Details indicating how required structural and fire-resistive rated assemblies' integrity will be maintained where conduits, pipes, or similar materials penetration wall, floor, and ceiling for:

1. Electrical;
2. Mechanical;
3. Plumbing;
4. Sprinklers;
5. Fire Alarm; and
6. Communication;

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107.24.5.8 Room finish schedules for all rooms and spaces indicating finishes for:

1. Walls,
2. Ceilings,
3. Floors
4. Stairs
5. Corridors

107.24.5.9 Door Schedule indicating

1. Doors
2. Door frames
3. Hardware
4. Material;
5. Size;
6. Thickness; and
7. Fire resistance rating;

107.24.5.10 Electrical plans indicating:

1. Electrical distribution system;
2. Service equipment;
3. Grounding methods;
4. Emergency and standby power systems; and
5. Power or lighting information

107.24.5.11 Plumbing plans indicating the following:

1. Fixture location.
2. Drain and Vent Riser Diagram, including pipe sizes
4. Special Waste
5. Potable Water Distribution isometrics
6. Fuel gas meter location
7. Fuel gas piping isometric including pipe sizes
8. Method of sizing fuel gas piping

107.24.5.12 Mechanical plans indicating location and size of:

1. Ductwork material type;
2. Equipment / appliance schedule including compacity;
3. Fire dampers;
4. Smoke damapers;
5. Smoke dampers;
6. Ventilation air requirements/calculations
7. Air Balance calculations
8. Outside air exhaust and type
9. Outside air intake locations

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107.24.5.13 Type I Commercial Kitchen Hood and Exhaust System.

1. Type and location of appliances
2. Appliance fuel type
3. Hood construction
4. Grease duct material
5. Grease duct design and velocity
6.Grease duct enclosure
7. Clearance to combustibles
8. Make-up air
9. Exhaust termination location
10. Type of fire suppression system
11. Actuation and interconnections

107.24.5.14 Type II Commercial Kitchen Hood and Exhaust System

1. Type and location of appliances
2. Duct construction
3. Location of exhaust termination

107.24.5.16 Energy Conservation plans as follows or submit Energy Compliance Report set out in 675 IAC 19 :

1. Design criteria.
2. Exterior envelope component materials.
3. U values of the envelope system.
4. R values of insulating materials.
5. Size and type of equipment.
6. Systems controls; or

107.24.5.17. Accessibility details to include the following:

1. Accessible parking
2. Access to buildings.
3. Ramps and walks with slope.
4. Dimensioned restroom plans
5. Turning space
6. Clear floor space at plumbing fixtures
7. Grab bars.
8. Door swing and size.
9. Seating accommodations

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107.24.5.15. Automatic fire-sprinkler systems indicating the following:

1. Automatic sprinkler piping size and spacing of sprinkler heads.
2. Standpipes.
3. Fire pumps.
4. Water supply data.
5. Hydraulic Calculations
6. Rating of sprinkler heads.
7. Specific requirements set out in applicable National Fire Protection Association document listed in the reference chapter of the applicable rule of the commission for applicable automatic fire-sprinkler system

107.24.5.16. Fire detection and alarm systems indicating location and type of the following:

1. Detection activation devices (automatic or manual).
2. Control panels.
3. Annunciator panels and zones
4. Water flow devices.
5. Notification devices and location
6. Initiation devices and location
7. Communication / transmission
8. Specific requirements set out in applicable National Fire Protection Association document listed in reference chapter of the applicable rule of the commission.

107.24.5.17 Public swimming pools, spas, and water attractions indicating the following as applicable:

1. Area and volume.
2. Enclosure for pool area.
3. Turnover rate.
4. Filtration and circulation system.
5. Swimmer load.
6. Materials.
7. Shape and depth of pool.
8. Deck design.
9. Ladders.
10. Steps.
11. Drainage system.
12. Water supply system.
13. Electrical system
14. Location of Restrooms and Showers

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107.25 Alterative materials, methods and design.

Alternate materials, methods and design as set out in IC 22-15-3.

107.25.1 The following may be considered as complying with the requirements set out in IC 22-15-3 for the use of alternate means, materials, methods and design:

1. Factory Mutual Loss Prevention Data Sheets and test reports (FM).
2. International Code Council (ICC) Evaluation Services Report (ESR) or Plumbing, Mechanical, and Fuel Gas (PMG) Evaluation Reports.
3. International Electrotechnical Commission (IEC) (IEC standards listed by the American National Standards Institute).
4. International Organization for Standardization (ISO) (ISO standards listed by the American National Standards Institute).

~~**[A] 106.1 Purpose and scope.** The purpose of this section is to establish an administrative procedure for the submission of plan and specifications for the issuance of a design release as set out in IC 22-15-3.~~

~~**Submittals.** *Construction documents* and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the *fire code official*.~~

~~The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed.~~

~~**Exception:** The *fire code official* is authorized to waive the submission of *construction documents* and supporting data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.~~

~~**[A] 106.2 Examination of documents.** The *fire code official* shall examine or cause to be examined the accompanying *construction documents* and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.~~

~~**[A] 106.2.1 Information on construction documents.** *Construction documents* shall be drawn to scale on suitable material. Documents in a digital format are allowed to be submitted where *approved* by the *fire code official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official*.~~

~~**[A] 106.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the *construction documents*, and shall be *approved* prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.~~

~~**[A] 106.2.3 Applicant responsibility.** It shall be the responsibility of the applicant to ensure that the *construction documents* include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.~~

~~**[A] 106.2.4 Approved documents.** *Construction documents approved* by the *fire code official* are *approved* with the intent that such *construction documents* comply in all respects with this code. Review and approval by the *fire code official* shall not relieve the applicant of the responsibility of compliance with this code.~~

~~**[A] 106.2.4.1 Phased approval.** The *fire code official* is authorized to issue a permit for the construction of part of a structure, system or operation before the *construction documents* for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such~~

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permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

[A] 106.3 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

[A] 106.4 Retention of construction documents. One set of *construction documents* shall be retained by the *fire code official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of *approved construction documents* shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 108 107—TEMPORARY STRUCTURES, USES, EQUIPMENT AND SYSTEMS

[A] 107.1 107.1 General. The *fire code official* is authorized to issue a permit for temporary structures, uses, equipment or systems as required in Sections 105.5 and 105.6. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days in a twelve (12) month period. The *fire code official* is authorized to grant extensions for demonstrated cause.

[A] 107.2 107.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code the rules of the commission as necessary to ensure health, safety and general welfare.

[A] **107.3 Temporary service utilities.** The *fire code official* is authorized to give permission to temporarily supply service utilities in accordance with Section 110.

[A] **103.3 107.4 Termination of approval.** The *fire code official* is authorized to terminate such permit for temporary uses, equipment or systems and to order the same to be discontinued.

SECTION 109 108—FEES

The following fees are established in accordance with IC 22-12-6

109.1 Fees for design release.

109.1.1 An application for a design release shall be accompanied by payment of the applicable fees.

109.1.2 Special plan reviews are subject to additional fees which shall be paid as set out in Section 109.3.12 of this section.

109.1.3 Where construction has started prior to issuance of the design release by the department are subject to additional fees as set out in this section.

109.2 The following is an explanation of terms used to calculate the fees to be submitted with a complete application for design release.

108.2.1 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, for example, any of the following or similar horizontal projections:

1. Porches.
2. Canopies.
3. Balconies.

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

108.2.3 Costs (construction) shall be the cost of the labor and materials required to perform the stated scope of construction. The following are not to be included in the cost of construction:

1. Land.
2. Interior furnishings.
3. Processing equipment.

109.3 Design Release Fees shall be as follows:	
109.3.1 Filing Fee Applicable to all applications for design release	$75.00
109.3.2 Minimum Plan Review Fee*	$75.00 [1]
1. The minimum plan review fee only applies when the specific fee listed below is less than $75.00.	
109.3.3 Normal Occupancy: All buildings and structures not specifically listed in Categories B, C, D, E, G, H, and I.	$0.050-time gross square feet of floor area.
109.3.4 Minimal Occupancy–Area related: Livestock sales, hangars, open parking structures, truck freight terminals, warehouses, refrigerated storage, bulk product processing plants, and similar uses	$0.030 times the gross square feet of floor area
109.3.5 Remodeling and renovation (no additions).	$0.0030 times total square footage of the remodel or renovation.
109.3.6 Minimal Occupancy Control towers, generating plants, dust collectors, mausoleums, grain elevators, concrete or asphalt plants, and other occupied high volume low area structures	$0.0002 times the construction cost.
109.3.7 Swimming pools	$0.202 times gross cubic feet.
109.3.8 Flammable Liquid or Gas Facilities Installation Installation or replacement 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):	$80.00 for each tank

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109.3.9 Replicated building floor plan: apartment buildings, hotels, or motels [2]:	$0.40 per square foot for one (1) replicated floor plan Plus $ 69.00 for each building.
2. A construction project that consists of one (1) or more buildings where the floor plan is replicated exactly the same throughout the building. No deviation in floor plan within the building.	
109.3.10 “Shell building” for the purposes of a design release is 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.	
109.3.10.1 Shell building – Master Plan ONLY	$173.00
109.3.10.2 Shell building – No Release for Master Plan: Commonly referred to a “white box”. No Tenant(s).	$ 0.040 times gross square feet of floor area
109.3.10.3 Shell building – No Design Release for Master Plan plus one (1) initial tenant buildout	$0.040 times gross square feet of floor area Plus $0.020 times gross square feet of floor area for tenant buildout.
109.3.11 Expedited Plan Review	$5000.00 Plus Applicable feet from Category A through Category I.
109.3.12 Special Plan Review Fees shall be as follows:	Fee Amount
109.3.12.1 Foundation design release	$80.00
109.3.12.2 Partial design release: After the initial partial design release is issued.	$250.00
109.3.12.3 Addendum design release For the purposes of Addendum design release “system” means: architectural, structural, electrical, plumbing, fuel gas, mechanical (HVAC), fire alarm, fire sprinkler system, Type I Commercial Kitchen Hood, including suppression system.	
Addendum design release For each system modified.	$35.00

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109.3.12.4 Incomplete Application Incomplete submission of application, plans or specifications means when missing documents are subsequently submitted.	
Incomplete submission of application, plans and specifications.	$12.00
109.3.12.5 Construction starting prior to submission of complete application and plans.	
Late submission of application for design release.	$300.00
109.3.12.6 Reinstatement of expired design release	$50.00
109.3.12.7 Request for time extension of an issued design release to start construction.	$50.00
109.3.12.8 Conversion of Existing Building Inspection Fee	$150.00
109.3.12.9 Construction Inspection Fee	
For which a design release is required, and the political subdivision has not established a program, by ordinance, to periodically inspect or cause to be inspected construction work to determine compliance with the rule of the Commission	
The construction inspection fee shall be paid at the time application is made for design release.	
The construction inspection fee shall calculate as follows and the greater of the two calculations shall be paid, but at no time shall the construction inspection fee be greater the $7,500.00	
Minimum construction inspection fee	$200.00
Or	$0.10 per gross square foot
109.4 Variance Application.	
Variance Application filing fee	$138.00
Plus	
Variance from a single code provision	$138.00
Each additional unrelated code provision	$69.00 each

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~~[A] **108.1 Fees.** A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.~~

~~[A] **108.2 Schedule of permit fees.** Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**108.3 Permit valuations.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at the time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the *fire code official*, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed~~

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~~estimates acceptable to the *fire code official*. The *fire code official* shall have the authority to adjust the final valuation for permit fees.~~

~~**[A] 108.4 Work commencing before permit issuance.** A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority, which shall be in addition to the required permit fees.~~

~~**[A] 108.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**[A] 108.6 Refunds.** The applicable governing authority is authorized to establish a refund policy.~~

SECTION 110 ~~109~~—INSPECTIONS

[A] 110.1 ~~109.1~~ Inspection authority. The *fire code official* is authorized to enter and examine any building, structure, ~~marine vessel, vehicle~~ or premises in accordance with this rule or in accordance with the jurisdictions local ordinance adopted for the purposes of enforcing administrative provisions ~~Section 104.4~~ for ~~the purpose of~~ enforcing ~~this code~~the rules of the commission.

[A] 110.2 ~~109.2~~ Inspections. The *fire code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this ~~code~~ rule and to approve reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved agency* or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report on unusual, detailed or complex technical issues subject to the approval of the governing body.

[A] 110.2.1 ~~109.2.1~~ Inspection requests. It shall be the duty of the owner, holder of the permit or their duly authorized agent to notify the *fire code official* when work is ready for inspection. It shall be the duty of the owner, permit holder to provide access to and means for inspections of such work that are required by this ~~code~~rule.

[A] 110.2.2 ~~109.2.2~~ Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *fire code official*. The *fire code official*, on notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the owner or permit holder or his or her agent wherein the same fails to comply with this ~~code~~rule. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the *fire code official*.

[A] 110.3 ~~109.~~3 Concealed work. It shall be the duty of the owner or permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the *fire code official* shall have the authority to require that such work be made visible and able to be accessed for inspection. Neither the *fire code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] 110.4 ~~109.4~~ Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

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SECTION 111 ~~110~~—MAINTENANCE OF EXISTING BUILDING AND STRUCTURES

111.1 – Permanent Systems.

For the purpose of this section Permanent systems means any of the following:

1. Heating,
2. Ventilating,
3. Air conditioning,
4. Electrical,
5. Plumbing,
6. Emergency detection,
7. Emergency communication, or
8. Fire sprinkler systems

111.2. Buildings and structures constructed prior to 1947.

Class 1 structures and any of the permanent systems shall continuously be maintained in a condition at least as safe as when constructed, installed, or altered.

111.3. Buildings and structures, constructed after 1947 and prior to the creation the Commission.

Class 1 structures, and any of the permanent systems shall be continuously maintained in conformance with the applicable rules of the predecessor agency or the Commission in effect when constructed, installed, or altered.

111.4. The requirements of Section shall not prohibit maintenance in compliance with the current applicable rules of the commission or in another manner which would be at least as safe, sanitary, energy efficient, and accessible to persons with a physical disability.

111.5 This section does not prohibit the removal of any of the permanent systems provided the permanent system(s) are not required for the current occupancy classification by the rules of the commission or the predecessor agencies or prior to creation of predecessor agency, at the time of construction, installation, or alteration.

111.6. Notwithstanding section 111 of this rule, no alteration or removal of any of the permanent systems shall not create an unsafe or overloaded condition under the provisions of the current rules of the commission for new construction.

111.7 Notwithstanding section 111 of this rule, no alteration or removal shall reduce existing fire protection or detection systems or exit capacities to a level less than that required by the current rules of the commission for new construction.

~~**[A] 110.1 Maintenance of safeguards.** Where any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.~~

[A] 111.8 ~~110.2~~ **Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this ~~code~~rule.

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[A] 111.8.1 ~~110.2.1~~ Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this ~~code~~rule and manufacturer's recommendations and instructions or referenced standard. The work or installation shall then be resubmitted to the *fire code official* for inspection and testing.

[A] 111.9 ~~110.3~~ Recordkeeping. A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other *approved* location for not less than 3 years, or a different period of time where specified in this ~~code~~ rule or referenced standards. Records shall be made available for inspection by the *fire code official*, and a copy of the records shall be provided to the *fire code official* on request.

The *fire code official* is authorized to prescribe the form and format of such recordkeeping. The *fire code official* is authorized to require that certain required records be filed with the *fire code official*.

[A] 111.10 ~~110.~~ Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this ~~code~~rule and manufacturer's recommendations and instructions or referenced standard.

111.11 ~~110.5~~ Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall be provided with *ready access* and shall not be rendered inoperative, except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

[A] 111.12 ~~110.6~~ Overcrowding. Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, on finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

~~SECTION 111 — SERVICE UTILITIES~~

SECTION 112- EXISTING BUILDNGS, ADDITIONS, ALTERATIONS AND MOVED BUILDINGS.

112.1 No addition or alteration to a Class 1 shall reduce existing fire protection or detection systems or exit capacities to a level less than that required by the rules of the commission for new construction.

112.1.1 Permanent Systems

For the purpose of this section Permanent systems means any of the following:

1. Heating,
2. Ventilating,
3. Air conditioning,
4. Electrical,
5. Plumbing,
6. Emergency detection,
7. Emergency communication, or
8. Fire sprinkler systems
9. Fire or explosion suppression

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112.2 Minor Nonstructural Alterations.

112.2.1. Minor nonstructural alterations to an existing Class 1 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.

112.2.2 The following shall comply 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.

112.3 Addition Limitations.

The Addition to a Class 1 structure plus the existing Class 1 structure shall comply with the current rules of the commission for:

1. Height,
2. Number of stories; and
3. Area

112.4 Additions or alteration to existing Class 1 structures

112.4.1 Additions or alterations to existing class 1 structures including additions to or installation of permanent system shall comply with the rules of the commission for new construction, unless specifically exempted elsewhere in this section

112.4.2. Additions or alterations may be made to existing Class 1 structure, or any permanent systems without requiring the entire existing Class 1 structure, to comply with all the requirements of the rules of the commission for new construction provided:

1. the construction work within the scope of the construction complies with the requirements of the commission for new construction; and
2. Sections 111.1, 111.2, 111.3, and 111.10 are not violated

112.5 Additions of Balcony

The addition of 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.

112.6 Not Permitted to become noncompliant

No addition or alteration shall cause an existing Class 1 structure, or any permanent 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.

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112.7 Repairs

Repairs to any permanent 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.

112.6 Energy Code Compliance.

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 does not apply to any addition to an existing Class 1 structure.

112.8 – Rehabilitation of Existing Building

If the rehabilitation of an existing building is undertaken in accordance with Chapter 34 of the Indiana Building (675 IAC 13), all construction work undertaken in the rehabilitation shall comply with the rule of the commission for new construction.

112.9 Moved Buildings and Structures

112.9.1 All Class 1 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 occupancy at their new location.

112.9.2 All Class1 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 103.3.1 and 103.3.2 of this rule

~~**[A] 111.1 Authority to disconnect service utilities.** The *fire code official* shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The *fire code official* shall notify the serving utility and, where possible, the *owner* or the *owner's* authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnec- tion, then the *owner*, the *owner's* authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.~~

SECTION 113 ~~112~~—~~MEANS OF APPEALS~~ VARIANCE

[A] 113.1 ~~112.1~~ Purpose

The purpose of this rule is to establish administrative procedures and general provisions for the implementation of IC 22-13-2-11 - Variances.

113.2 Definitions

The definitions in this section shall only be applicable to section 112 Variances.

1 "Applicant" means the person who makes an application for variance who is generally the owner of the premises in which the variance is sought.

~~This definition does not apply to a request for a variance from the rules of the commission found in 675 IAC 30.~~

113.3 Action on variance request.

113.3.1 In accordance with IC 22-13-2 the department or the commission may grant a variance request.

113.3.2 In accordance with IC 22-13-2 the commission may grant or deny variance which the departments places on the commission's agenda.

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113.3.3. The department or the commission shall consider properly submitted variance applications, including all submitted information and documentation and submitted written comments in making a determination of approval of denial of said variance application.

113.3.4. The department or the commission may request additional information, to support the variance request or in response to written comment submitted prior to making a determination of approval or denial of said variance application.

113.4 Application process

112.4.1. Variance application may be submitted at any time by completing the on-line application at the department's official web site and paying the required fees as set out in Section 109.

113.4.2. Only completed variance application will be considered for action by the department or commission.

113.4.3. If variance application is submitted using a paper application, the variance application is not considered complete until the variance application has been uploaded into the department public access portal

113.5. Application

IC 22-13-2 requires the applicant to provide specific facts demonstrating information:

113.5.1. A statement of facts providing details supporting:

1 undue hardship that compliance with this rule will impose on the applicant; or

2 how compliance with the rule will prevent the preservation of an architecturally significant or historic building.

113.5.2 A statement of fact providing supporting evidence detailing:

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

2. how the proposed alternative actions will not be adverse to the public health, safety, or welfare.

113.5.3 In addition to the facts demonstrating statements a complete variance application shall include the following:

1. The name and address of:

1.1 Applicant.

1.2 Owner, if applicant is not the owner.

2. Address, including City and County of the affected property which the variance is sought.

2.1 If no address exists for the affected property, a specific identifiable description of the location of the property that is acceptable to the department.

3. If the variance involve a project in which a design release has been issued, provide the design release number.

4. If the variance is for a project in which a design release has not been issued the design professional, if there is a design professional, shall provide the information contained in the Variance application is accurate.

5. Application submitted on behalf of the applicant, and the applicant is not the owner an affirmation, under penalty of perjury, by the applicant of the following:

5.1 That the owner is aware of the variance request.

5.2 That the application is being made on the owner's behalf

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6. Provide the specific Administrative Code (IAC) citation, including the name of the commssions rule and applicable section(s) for which the variance is sought.

7. Specific description of location, rooms, equipment, and items, affected by the variance request.

8. Provide copy of plans or drawings and supporting data for the requested variance.

9. Claims made granting similar variances.

9.1 Applicant shall provide variance docket number of similar granted variance; and,

9.2 Written explanation how the requested variance is similar to the previously granted variances.

10. Electronic (E-mail) address of:

10.1 local building official, and

10.2 local fire official.

113.5.4. Additional information.

Additional information or documentation may be submitted by the applicant.

1 To corrects errors or mistakes on the variance application;

2 Is in response to a request from the department or the commission for additional information;

3 Is in response to information submitted by the local building official, local fire official, or another interested party;

113.5.4.1. If the applicant submits additional information after the original submission of the variance request and applicant shall provide copies of the additional information to the local building official and local fire official.

113.6. Notice to local officials

1. The applicant shall provide notice that a variance application was submitted to the local fire official and local building official.

2. Notices to the local fire official or local building official is deemed provided by one (1) of the following methods:

2.1 United States 1st Class Mail to the address on file with the department. When notification is provided using 1st Class United States Mail, proof of receipt by the local fire official and local building official shall be provided to the department or commission.

2.2 Electronic mail (e-mail) delivery to the electronic mail address on file with the department. When electronic mail is utilized an electronic receipt of electronic mail delivery serves as proof of notification.

3. The department shall maintain contact information for local fire officials and local building officials in a manner that is readily accessible by the public.

4. Local fire officials and local building officials shall notify the department of any changes or discrepancies found in the contact information maintained by the department.

4.1 The department shall update the information within five (5) business days of receiving the notice of such changes.

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113.7 Written comments

113.7.1 Any interested party may submit written comments concerning a variance application to the department.

113.7.2 Written comments shall be submitted on a form prescribed by the department and said form shall be available online.

113.7.3 The following information is required to submit a written comment:

1. Variance number;
2. Provide relevant information on the variance being sought. submitter, if the submitter
3. Provide a statement of position (support, opposed, or no position) on the granting or denial of said variance.
3. Submitters name and contact information.

113.8 Determinations

113.8.1. IC 22-13-2 set out when the department or the commission shall make an initial determination on a variance application.

113.8.2 The department or the commission may grant a variance if the applicant:

1. Is able to demonstrate by substantial and reliable evidence that:
   1.1 Compliance with the rule of the commission would cause an undue hardship or would affect an architecturally significant or historic building; and
   1.2 Noncompliance with the rule, taking into account any alternatives to compliance, would not be adverse to the health, safety, or welfare of the public.

113.8.3 The department or the commission may impose conditions on any variance.

113.8.4 An order granting or denying a variance shall be issued in accordance with IC 4-21.5-3-4.

113.8.5 The department shall submit a report to the commission of all variance determinations made by the department since the commission's last meeting.

113.9. Sanctions imposed on previously issued variances

112.9.1 The department or the commission may impose a sanction on a previously granted variance under IC 22-12-7-7. Available sanctions are as follows:

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

113.9.2 Information for a sanction.

Information on the imposition of a sanction may be submitted to the commission by::

1. department;
2. commission;
3. local fire official;
4. local building official; or
5. individuals affected by the variance.

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113.9.3. Only the body (department or commission) which granted said variance may impose an appropriate sanction whenever one (1) or more of the following exists:

1. The variance was obtained by fraudulent or misleading statements or information.
2. Notification of the required local officials required by section 112.5 of this rule was not given.
3. No 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.

113.9.4 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 a preliminary determination.

113.9.5 Sanctions under this section may be imposed under IC 22-12-7-6 and IC 4-21.5-4 where appropriate

~~**General.** In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.~~

~~**[A] 112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**[A] 112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**[A] 112.4 Administration.** The *fire code official* shall take action without delay in accordance with the decision of the board.~~

SECTION 114 CONVERSION OF EXISTING BUILDINGS

114.1 Purpose

114.1.1 This section is to permit the conversion of existing building from one (1) class of occupancy and to another class of occupancy without requiring compliance with the rules of the commission for new construction.

114.1.2 The conversation to a new class of occupancy shall protect the public from significant health hazards, and safety hazards and promote the economic re-use of existing building.

116.1. 3 Classification of occupancy are those Occupancy Classification set out in this rule (675 IAC 13).

114.1.4 This section is only applicable to the permitted conversation provided for in this section. If the proposed conversation to a new occupancy classification is not permitted by this section, the owner shall make application for a design release specifically requesting the use of Chapter 34 of this Rule.

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114.2 Inspection

114.2.1 To be exempt from the rules of the commission for new construction and prior the conversation of an existing building to another occupancy classification the existing building shall pass an inspection conducted by the department. The inspection will evaluate the building's existing condition, proposed new occupancy classification, and any proposed construction or alterations to be accomplished in the conversion. The inspection includes evaluation of the fire and life safety systems in the building for the new occupancy classification.

114.2.1.1 To schedule the required inspection the owner shall make application for a design release to the department specifically requesting the use of this section on said department application and pay the fees as set out in section 110 of this rule.

114.2.1.1 If any construction or alteration is to be undertaken in the conversation of the existing building construction plans shall be submitted when making application for the design release.

114.2.1.2 All construction or alterations undertaken in the conversion of the existing building to the new occupancy group shall comply with the rules of the commission for new construction.

114.3 Conversion Requirements

To protect the public from significant health hazards and safety hazards and to promote the economic reuse of buildings and to preserve architecturally significant and historic building the building to be converted to a new occupancy classification shall comply with the following for permit conversion under this section:

1, Building shall not exceed a total area of three thousand (3,000), excluding basements.

2. Building shall not exceed three (3) stories in height, excluding the basement.

3. Basement and third floor areas shall not be used by the public. Public for the purposes of this section is deemed to be every person, except the owner.

4. Building occupant load shall not exceed the occupant load permitted for the new proposed occupancy group as set out in Section 1004 of this rule.

5. The minimum width of stairways to be used by the public shall be thirty-six (36) inches.

6. The new occupancy group shall comply with new construction requirements for the new occupancy groups for:

6.1 exit width;

6.2 arrangement of exits;

6.3 illumination of exits;

6.4 exit signs; and

6.5 smoke detection.

7. Buildings converted to occupancy classification group R-1 or R-2 as set out in chapter 3 of this rule, shall be in compliance with the rules of the commission for new construction for plumbing, mechanical, and electrical.

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114.4 Permitted conversions:

The following are permitted conversions if in compliance with all requirements set out in Section 116.3:

114.4.1. A detached single-family dwelling may be converted to occupancy classification 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 with storage areas limited to floor loads not in excess of thirty (30) pounds per square foot.
3. Other storage uses with no floor load in excess of thirty (30) pounds per square foot.

114.4.2 A detached single family dwelling may be converted to use group A-3, if in compliance with the following:

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.
3. Floor loads shall not exceed thirty (30) pounds per square foot.

114.4.3 Occupancy classification group B, F-1, M, S-1, or S-2 building may be converted to use group A-3 occupancy classification, if in compliance with the following:

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.

114.4.4. A detached one (1) or two (2) family dwelling may be converted to an occupancy classification R-1 or R-2.

116.4.5 A detached single family dwelling may be converted to a mixed occupancy of occupancy classification:

1. M-Mercantile and one-(1) or two (2)-family dwelling;

or

2. B-Business and one (1) or two (2) family dwelling.

114.5 Issuance of Design Release

116.5.1 If the conversion of the existing building to the new occupancy classification complies with this section, the department shall issue a design release.

116.5.2 The restrictions set out in this section shall be conditions upon the design release.

SECTION 115 ~~113~~—VIOLATIONS

[A] 115.1 ~~113.1~~ Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this ~~code~~ rule, or cause same to be done, in conflict with or in violation of any of the provisions of this ~~code~~ rule.

[A] 115.2 ~~113.2~~ Owner/occupant responsibility. Correction and abatement of violations of this rule ~~code~~ shall be the responsibility of the *owner* or the *owner's* authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this rule ~~code~~, the occupant shall be held responsible for the abatement of such hazardous conditions.

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[A] 115.3 ~~113.3~~ Notice of violation. Where the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this rule ~~code~~, the *fire code official* is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection.

[A] 115.3.1 ~~113.3.1~~ Service. A notice of violation issued pursuant to this rule ~~code~~ shall be served on the *owner*, the *owner's* authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility on the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, the *owner's* authorized agent, or occupant.

[A] 115.3.2 ~~113.3.2~~ Compliance with orders and notices. A notice of violation issued or served as provided by this rule~~code~~ shall be complied with by the *owner*, the *owner's* authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

[A] 115.3.3 ~~113.3.3~~ Prosecution of violations. If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this rule ~~code~~ or of the order or direction made pursuant hereto.

[A] 115.3.4 ~~113.3.4~~ Unauthorized tampering. Signs, tags or seals posted or affixed by the *fire code official* shall not be mutilated, destroyed or tampered with, or removed, without authorization from the *fire code official*.

[A] 115.4 ~~113.4~~ Violation penalties. Persons who shall violate a provision of this rule ~~code~~ or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the released ~~*approved*~~ *construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this rule ~~code~~, shall be guilty of a Class C infraction~~**[SPECIFY OFFENSE]**~~, punishable by a fine of not more than five hundred **[AMOUNT]** dollars ($500.00). ~~or by imprisonment not exceeding **[NUMBER OF DAYS]**, or both such fine and imprisonment~~. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 115.4.1 ~~113.4.1~~ Abatement of violation. In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 116 ~~114~~ STOP WORK ORDER

[A] 116.1 ~~114.1~~ Authority. Where the *fire code official* finds any work regulated by this rule ~~code~~ being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the *fire code official* is authorized to issue a stop work order.

[A] 116.2 ~~114.2~~ Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property, the *owner's* authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] 116.3 ~~114.3~~ Emergencies. Where an emergency exists, the *fire code official* shall not be required to give a written notice prior to stopping the work.

[A] 116.4 ~~114.4~~ Failure to comply. Any person who shall continue any work after having been served with

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a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

SECTION 117 ~~115~~—UNSAFE STRUCTURES OR EQUIPMENT

[A] 117.1 ~~115.1~~ General. See local jurisdiction's Code of Ordinances for unsafe structures under IC 36-7-9 ~~If during the inspection of a premises, a structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the *fire code official* shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building official for any repairs, *alterations*, remodeling, removing or demolition required.~~

~~**[A] 115.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress*, inadequate light and ventilation, or that constitute a fire hazard, are otherwise danger- ous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *fire code official* deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.~~

~~**[A] 115.1.2 Structural hazards.** Where an apparent structural hazard is caused by the faulty installation, operation or malfunc- tion of any of the items or devices governed by this code, the *fire code official* shall immediately notify the building code official in accordance with Section 115.1.~~

~~**[A] 115.2 Evacuation.** The *fire code official* or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied structure deemed unsafe where such structure has hazardous conditions that pose an immi- nent danger to structure occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re- enter until authorized to do so by the *fire code official* or the fire department official in charge of the incident.~~

~~**[A] 115.3 Record.** The *fire code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.~~

~~[A] **115.4 Notice.** If an unsafe condition is found, the *fire code official* shall serve on the *owner* of the structure or the *owner's* autho- rized agent a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *fire code official* acceptance or rejection of the terms of the order.~~

~~[A] **115.5 Method of service.** Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:~~

1. ~~A copy is delivered to the *owner* personally.~~
2. ~~A copy is sent by certified or registered mail addressed to the *owner* at the last known address with return receipt requested.~~
3. ~~A copy is delivered in any other manner as prescribed by local law.~~

~~If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the *owner's* authorized agent shall constitute service of notice on the *owner*.~~

~~[A] **115.6 Restoration or abatement.** The structure or equipment determined to be unsafe by the *fire code official* is permitted to be restored to a safe condition. The *owner*, the *owner's* authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the *fire code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabil- itation, demolition or other *approved* corrective action. To the extent that repairs, *alterations* or additions are made or a change of~~

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~~occupancy occurs during the restoration of the structure, such repairs, *alterations*, additions or change of occupancy shall comply with the requirements of Section105.1.5 and the *International Existing Building Code*.~~

~~**115.7 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the *fire code official* or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.~~

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