

Rule 10. Building Regulations of State Agencies and Political Subdivisions

675 IAC 12-10-1 Purpose

Authority: IC 22-13-2-13

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

Sec. 1. The purpose of this rule is to establish administrative procedures and to provide instruction for state agencies and political subdivisions, having power to create building rules, equipment rules, or fire safety rules, as defined in 675 IAC 12-4-2, so as to prevent conflict, duplication, or overlap with the statewide code of building and fire safety laws adopted by the commission pursuant to IC 22-13-2-2. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-1; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1792; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)

675 IAC 12-10-2 Definitions

Authority: IC 22-13-2-13

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

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

- (1) "Adopt by reference" means the same as incorporation by reference as the term is used in IC 22-13-2-3(b) and IC 36-1-5-4.
- (2) "Conflict" means a difference between two (2) or more building, fire safety or equipment rules involving the same subject.
- (3) "Local building code" means the body of ordinances or regulations enacted by a political subdivision that incorporate by reference building rules required to be enforced at the local level of government by IC 36-7-2-9.
- (4) "More detailed", when applied to provisions in rules of state agencies or ordinances of political subdivisions, means explanatory material that is related to but does not change the text or intent of a rule of the commission.
- (5) "More stringent", when applied to provisions in rules of state agencies or ordinances of political subdivisions, means requirements that demand a level of design criteria or performance as to construction methods or materials, or imposes restrictions on the use of construction methods or materials not addressed in any provisions in a rule of the commission.
- (6) "Political subdivision" means a city, town, or county.
- (7) "State agency" means an agency of Indiana having statutory power to regulate buildings, structures, and other property by adoption of rules under IC 4-22-2.
- (8) "Statewide code" means all rules of the commission adopted as building rules and fire safety rules.

(*Fire Prevention and Building Safety Commission; 675 IAC 12-10-2; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1792; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)

675 IAC 12-10-3 Rules of state agencies

Authority: IC 22-13-2-2

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

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

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

- (1) IC 22-12, IC 22-13, IC 22-14, IC 22-15; or
- (2) a fire safety rule of the Commission; or
- (3) a building rule of the Commission;

the Commission, at a regularly scheduled meeting, shall issue an order under IC 4-21.5-3-6 to that state agency to revise its rules as necessary to comply with IC 22-13-2-3 and IC 22-13-2-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, that order shall be deemed to have been a preliminary determination. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-3; filed Feb 1, 1988, 2:19 pm: 11 IR 1793; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)

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

Authority: IC 22-13-2-13

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

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

(b) Building rules adopted by the commission in 675 IAC 13, 675 IAC 14, 675 IAC 16, 675 IAC 17, 675 IAC 18, 675 IAC 19, 675 IAC 20, and 675 IAC 22 are collectively a code of building laws required to be enforced at the local level of government

under IC 36-7-2-9. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-4; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1793; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)

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

Authority: IC 22-13-2-2

Affected: IC 22-13-2-3

Sec. 5. A political subdivision may desire to include, in its local building code, provisions that go into more detail or contain more stringent requirements than the statewide code. This option is conditioned, however, in that more stringent requirements may not conflict with the statewide code. The manner of establishing more detailed or more stringent requirements shall be by amendment of specific provisions in the rules of the Commission as incorporated by reference in the same ordinance. Each amendment must refer to a corresponding section or sections of a rule of the Commission, and to section references in incorporated codes or standards as applicable. In such case, the adopted building rule, code or standard shall be identified in a particular edition and shall include a citation reference to a specific edition or supplement to the Indiana Administrative Code. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-5; filed Feb 1, 1988, 2:19 pm: 11 IR 1793; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)

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

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

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

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

- (1) An official or an agency of the political subdivision must be designated as being responsible to enforce the adopted code of building laws and orders issued under IC 22-13-2-11 and IC 22-12-7.
- (2) It must provide that no building permit will be issued to a person that would cause a violation of IC 22-15-3-7.
- (3) It must specifically refer to the administrative review of locally issued orders or variances provided for by IC 22-13-2-7.
- (4) It must state that the local building code does not apply to an industrialized building system or mobile structure that is certified under IC 22-15-4.
- (5) It must provide an effective date for the ordinance not earlier than the date upon which the Commission grants its approval.

(*Fire Prevention and Building Safety Commission; 675 IAC 12-10-6; filed Feb 1, 1988, 2:19 pm: 11 IR 1793; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)

675 IAC 12-10-7 Other local building regulations

Authority: IC 22-13-2-2

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

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

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

(c) For the purposes of this rule (675 IAC 12-10) standards contained in land use regulations, such as zoning or subdivision regulations, that are more restrictive with respect to building height, area, or distance from property lines than comparable standards for new construction, are not in conflict with the rules of the Commission. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-7; filed Feb 1, 1988, 2:19 pm: 11 IR 1794; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)

675 IAC 12-10-8 Ordinance approval procedure

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-13-2-5

Sec. 8. The commission's program for review of adopted ordinances of cities, towns, or counties submitted for approval by the commission under IC 22-13-2-5 will be conducted by the commission staff as follows:

- (1) A request may be made to the division for preliminary staff review at any time. The results of the staff review will be furnished to the requester within a reasonable time.
- (2) A submission by a political subdivision for approval of an ordinance by the commission:
 - (A) shall include two (2) copies of an adopted ordinance; and
 - (B) must be filed with the commission.

The staff will place the submission on the agenda for the first commission meeting scheduled later than five (5) working days subsequent to the receipt of the submission.

(3) The commission's order approving the ordinance shall be issued following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, that order shall be deemed merely to have been a preliminary determination.

(4) One (1) copy of each approved ordinance, endorsed by the chairperson of the commission, shall be returned to the submitter with the order approving the ordinance.

(Fire Prevention and Building Safety Commission; 675 IAC 12-10-8; filed Feb 1, 1988, 2:19 p.m.: 11 IR 1794; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA)

675 IAC 12-10-9 Local inspection programs

Authority: IC 22-13-2-13

Affected: IC 22-12-6-6; IC 22-15-2-6; IC 36-1-7-2; IC 36-7-8-7

Sec. 9. (a) A political subdivision that has enacted and put into effect a local building code in accordance with this rule, or has arranged for inspection services to be performed by another political subdivision under IC 36-7-8-7 or IC 36-1-7-2, shall be deemed to have established a program to periodically inspect construction provided a written statement from the chief executive officer of the political subdivision furnishing inspection services is filed with the division containing the following:

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

(2) The:

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

(B) assigned scope of each inspector's responsibility for the adopted building rules of the commission.

(3) If applicable, the name of other political subdivisions for which inspection services are being provided.

(b) Any changes in the factual content of the written statement required in subsection (a) shall be submitted to the division within thirty (30) days of the date of change.

(c) If the division determines that the requirements of this section are no longer being met by a political subdivision, the building law compliance officer or the state fire marshal shall give written notice of the determination to the chief executive officer of that political subdivision. The construction inspection fee established in 675 IAC 12-3-6 shall become payable for design releases

issued after the date of the notice. (*Fire Prevention and Building Safety Commission; 675 IAC 12-10-9; filed Feb 1, 1988, 2:18 p.m.: 11 IR 1795, eff Apr 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA*)