



December 18, 2018
By Electronic Mail and U.S. Postal Mail

Ryan Schmidt
City of Indianapolis
Department of Business and Neighborhood Services
1200 Madison Avenue, Suite 100
Indianapolis, IN 46225

Re: Petition for Administrative Review – State Build Commissioner’s Written Interpretation of Section 103.3.3 of the 2014 Indiana Building Code (675 IAC 13-2.6)

Dear Mr. Schmidt:

The Commission is in receipt of your petition for administrative review of the State Building Commissioner’s written interpretation of Section 1003.3.3 of the 2014 Indiana Building Code (675 IAC 13-2.6), dated 12/10/2018. The petition for review is timely and has been granted by the Commission. The petition has been assigned to the Commission’s administrative law judge.

The judge’s office will contact you to make arrangements for further proceedings. Should you have any questions, you may contact our staff attorney assigned to the matter, Justin Guedel at JGuedel@dhs.in.gov or (317) 234-9515.

Sincerely,

Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
doboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: Justin Guedel, IDHS Staff Attorney (by personal service)
The Honorable Chelsea E. Smith, Administrative Law Judge (by personal service)
Scott Perez, Carson Design Associates (by electronic mail and U.S. postal mail)
File

From: [DHS Legal Mailbox](#)
To: [Guedel, Justin K](#); [Boyle, Douglas J \(DHS\)](#)
Subject: FW: Petition for Review
Date: Tuesday, December 11, 2018 9:50:36 AM
Attachments: [68379161_1003-3-3.pdf](#)
[68380022_2018-12-10_13-47-11.pdf](#)
[68380035_2018-12-10_13-04.pdf](#)

From: noreply@formstack.com [mailto:noreply@formstack.com]
Sent: Monday, December 10, 2018 2:15 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

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Formstack Submission For: [petition for review](#)
Submitted at 12/10/18 2:14 PM

Individual Name:	Ryan Schmidt
Business Name :	City of Indianapolis
Phone Number:	(317) 452-6395
Email Address:	ryan.schmidt@indy.gov
Mailing Address:	1200 Madison Ave Suite 100 Indianapolis, IN 46225
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	

Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	
Facility Device Boiler ID:	
Date Order Received:	Nov 26, 2018
How did you receive the Order? :	Email
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	View File
Was this order specifically directed to you?:	Yes
Explain:	I am the local code official that cited the construction in question.
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	I no longer know where to begin enforcing the requirements for exit access if this interpretation stands.
If the order was not specifically directed to you and you have not been aggrieved or adversely affected by the order, are you entitled to review under some other law? :	
What law?:	
I request review of the entire order described above:	No

<p>If you are not requesting review of the entire order, what is the scope of your request?:</p>	<p>"The space contained within a typical office conference room does not qualify as any of those three exit components, and as such, the restrictions of 1003.3.3 do not apply in those instances. "</p>
<p>I request a stay of effectiveness:</p>	<p>No</p>
<p>What is the basis of your challenge? :</p>	<p>2014 Indiana Building Code Definition: COMMON PATH OF EGRESS TRAVEL. That portion of exit access which the occupants are required to traverse before two separate and distinct paths of egress travel to two exits are available. Paths that merge are common paths of travel. Common paths of egress travel shall be included within the permitted travel distance.</p> <p>Section 1016.3 Measurement. Exit access travel distance shall be measured from the most remote point within a story along the natural and unobstructed path of horizontal and vertical egress travel to the entrance to an exit.</p> <p>If the common path of egress travel is defined as being part of the exit access, and it includes the path from the most remote point in the space, then the room is part of the exit access.</p>
<p>What is your desired outcome? :</p>	<p>Agreement that conference rooms are part of the exit access per the Indiana Building Code; therefore, this a valid violation.</p>
<p>Additional information in support of my request:</p>	<p>Please see the last sentence in the IBC commentary for the definition of "exit access." It states that "the exit access begins at the furthest points within each room or space and ends at the entrance to the exit."</p>
<p>Additional Attachments:</p>	<p>View File</p>

Additional Attachments:

[View File](#)

Additional Attachments:

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Formstack, 8604 Allisonville Road, Suite 300, Indianapolis, IN 46250



**WRITTEN INTERPRETATION
OF THE
STATE BUILDING COMMISSIONER**

Pursuant to Indiana Code § 22-13-5-2, I, Craig E. Burgess, State Building Commissioner, issue this interpretation of **675 IAC 13 Indiana Building Code, 2014 edition**. This interpretation is binding upon the *interested person*, as defined in Indiana Code § 22-13-5-1, and the county or municipality with whom the *interested person* has the dispute. See Indiana Code § 22-13-5-3.

Building or Fire Safety Law Being Interpreted

1003.1 Applicability. The general requirements specified in Sections 1003 through 1013 shall apply to all three elements of the *means of egress* system, in addition to those specific requirements for the *exit access*, the *exit* and the *exit discharge* detailed elsewhere in this chapter.

1003.3 Protruding objects. Protruding objects shall comply with the requirements of Sections 1003.3.1 through 1003.3.4.

1003.3.3 Horizontal projections. Structural elements, fixtures or furnishings shall not project horizontally from either side more than 4 inches (102 mm) over any walking surface between the heights of 27 inches (686 mm) and 80 inches (2032 mm) above the walking surface.

MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a *public way*. A means of egress consists of three separate and distinct parts: the *exit access*, the *exit* and the *exit discharge*.

EXIT. That portion of a *means of egress* system between the *exit access* and the *exit discharge* or *public way*. Exit components include exterior exit doors at the *level of exit discharge*, *interior exit stairways*, *interior exit ramps*, *exit passageways*, *exterior exit stairways* and *exterior exit ramps* and *horizontal exits*.

EXIT ACCESS. That portion of a *means of egress* system that leads from any occupied portion of a *building* or *structure* to an *exit*.

EXIT DISCHARGE. That portion of a *means of egress* system between the termination of an *exit* and a *public way*.

Interpretation of State Building Commissioner

Please note that the specific citation written by the local code official was **1003.3.3**. The other references given above are provided for context and support of the interpretation.

The request for interpretation stated that the official cited the presence of a television/computer monitor on the wall of a standard office conference room as being in violation of the prohibition on horizontal projections provided under **1003.3.3**.

While **1003.3.3** prohibits horizontal projections greater than 4 inches into walking surfaces (when those projections occur between 27 inches and 80 inches above the walking surface), it is important to keep in mind that this section is limited by the scoping section of **1003.1**. That section clearly limits the application of all subsections within **1003** to exits, exit access, and exit discharge, and to no other building elements. The space contained within a typical office conference room does not qualify as any of those three exit components, and as such, the restrictions of **1003.3.3** do not apply in those instances.

Effective Date

Pursuant to Indiana Code § 4-21.5-3-4, this order is effective when served. However, if a petition for review and a petition for stay of effectiveness is filed, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part.

Appeal Rights

This order may be appealed in accordance with Indiana Code § 4-21.5-3-7. To qualify for administrative review of this order, you must submit, by U.S. Mail or personal service, a Petition for Review in writing that complies with all of the following requirements:

1. The Petition for Review must state facts demonstrating that you are:
 - a. a person to whom the order is specifically directed;
 - b. aggrieved or adversely affected by the order; or
 - c. entitled to review under any law.
2. The Petition for Review must be filed with the chairperson or secretary of the ultimate authority for the agency issuing the order. If filed by U.S. mail, as opposed to personal service, please address the mailing as follows:

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
c/o Secretary
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204

3. The Petition for Review must be filed within fifteen (15) days after you are given notice of this order. Timeliness is computed by the methods described in Indiana Code § 4-21.5-3-2. Generally, the following rules apply, but review I.C. § 4-21.5-3-2 to ensure timeliness for your specific situation.
 - a. If you are served by United States mail, you will have three (3) additional days to petition for review – extending the period to eighteen (18) days – this time period will be calculated from the date the order was deposited in the United States mail.
 - b. In calculating timeliness, the first day is **not** included, but the last day is.

- c. If the deadline falls on a: (1) Saturday; (2) Sunday; (3) legal holiday; or (4) other day that our office is closed, the deadline will be extended until the first day that does not fall on a: (1) Saturday; (2) Sunday; (3) legal holiday; or (4) other day that our office is closed.
- d. The Petition for Review is deemed filed on the date of the postmark on the envelope containing the Petition for Review or the date the Petition for Review is personally delivered to the above address, whichever occurs first.

If you comply with these three requirements, your Petition for Review will be granted and will be assigned to an administrative law judge for review. If a Petition for Review is not timely filed, then this order will become final and you must comply with its requirements.

You may also request an opportunity to informally discuss this matter. However, a request to informally discuss, or actual informal discussion, does not extend the deadline for filing your Petition for Review and, consequently, any request should be made promptly, preferably by telephone, upon receipt of the Order. If you have any questions regarding this order, please contact our Legal Department by phone at (317) 234-9515 or by email at jguedel@dhs.in.gov.



Craig E. Burgess
State Building Commissioner
Indiana Department of Homeland Security

11.26.2012

Date

* POINT AT WHICH A CHOICE OF
2 EXITS BECOMES AVAILABLE

COMMON PATH OF TRAVEL
(DEFINED IN SECTION 1002)

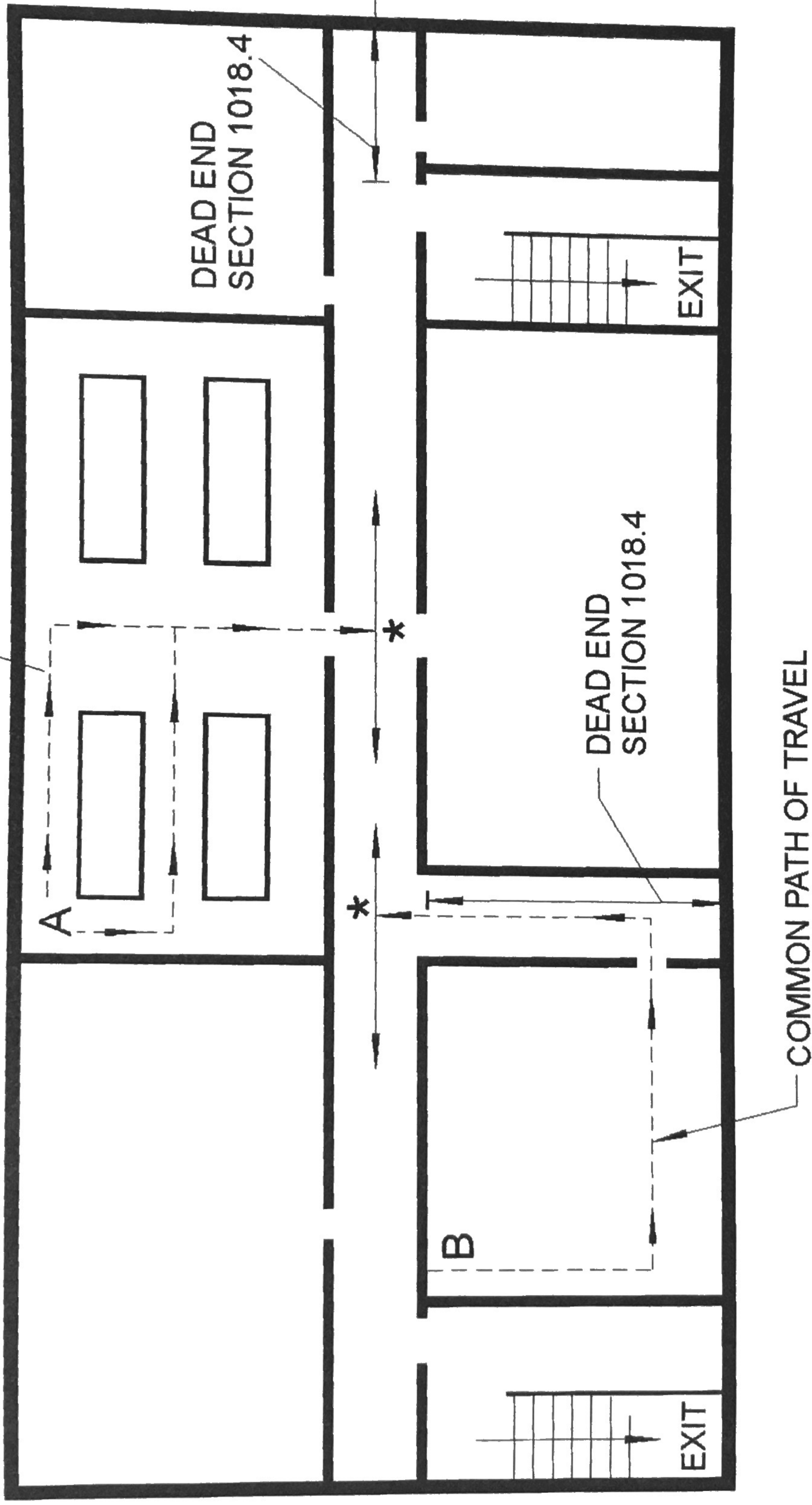
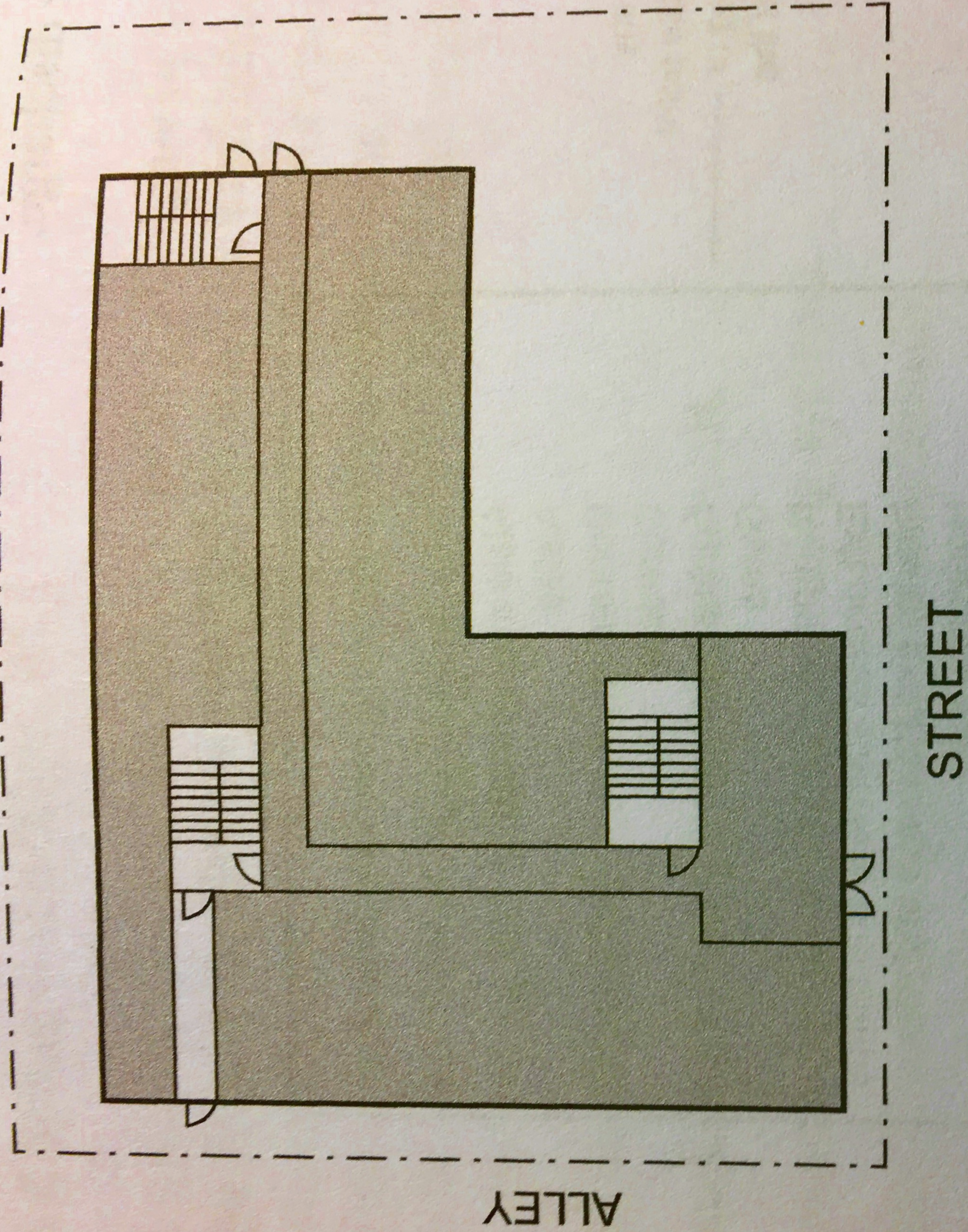
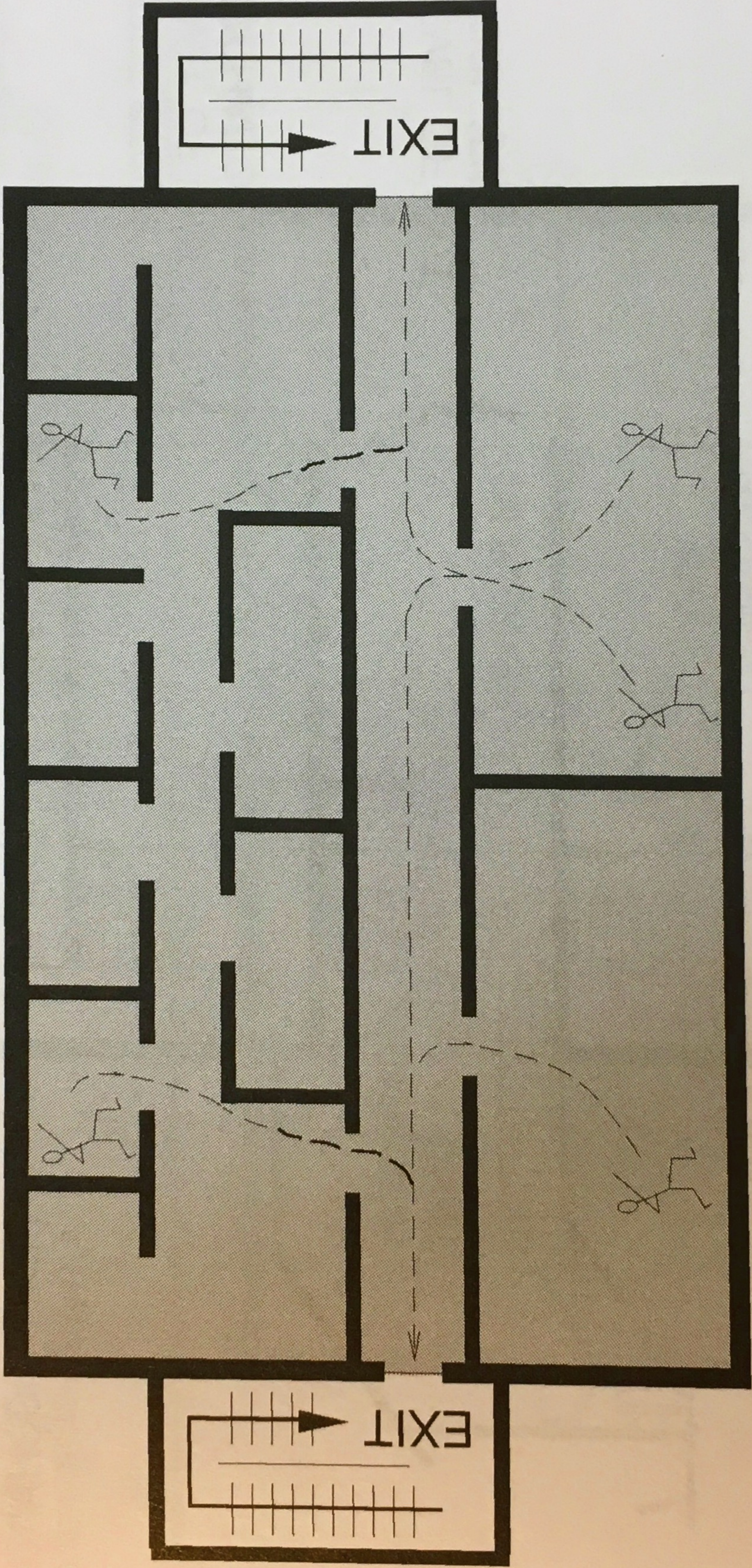


Figure 1014.3
COMMON PATH OF EGRESS TRAVEL



Shaded Area = Exit Access

Figure 45: Exit Access



— EXIT ACCESS

Figure 202.5(2)
EXIT ACCESS

From: [Burgess, Craig](#)
To: [Boyle, Douglas J \(DHS\)](#)
Cc: [Burgess, Craig](#)
Subject: FW: Written Interpretations
Date: Tuesday, December 18, 2018 10:33:31 AM
Attachments: [Signature_68810007.png](#)

Craig E. Burgess AIA NCARB CPE CBI LEED AP
Indiana State Building Commissioner
Indiana Department of Homeland Security
Office of the State Fire Marshal
302 W Washington St., Room E241
Indianapolis, IN 46204-2739
317.232.2222

From: DHS Code Questions
Sent: Monday, November 26, 2018 8:42 AM
To: Burgess, Craig <CBurgess@dhs.IN.gov>
Cc: Burgess, Craig <CBurgess@dhs.IN.gov>
Subject: FW: Written Interpretations

Craig E. Burgess AIA NCARB CPE CBI LEED AP
Indiana State Building Commissioner
Indiana Department of Homeland Security
Office of the State Fire Marshal
302 W Washington St., Room E241
Indianapolis, IN 46204-2739
317.232.2222

From: noreply@formstack.com [<mailto:noreply@formstack.com>]
Sent: Wednesday, November 21, 2018 2:02 PM
To: DHS Code Questions <CodeQuestions@dhs.IN.gov>
Subject: Written Interpretations

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Formstack Submission For: [writteninterpretations](#)

Submitted at 11/21/18 2:01 PM

Name: Scott Perez

Address: 9229 Delegates Row
Suite 250
Indianapolis, IN 46240

Phone: (317) 843-5979

Email: sperez@carsondesign.com

Name of county or municipality: Marion - City of Indianapolis

Name of inspector/code official: Ryan Schmidt

Address: 1200 Madison Ave
Suite 100
Indianapolis, IN 46225

Phone: (317) 452-6395

Email: Ryan.Schmidt@indy.gov

Indiana Code at issue: 675 IAC 13 – Indiana Building Code

Other:

Specific code section (citation):: 1003.3

SECTION 1003
GENERAL MEANS OF EGRESS

Specific code language to be interpreted: 1003.1 Applicability. The general requirements specified in Sections 1003 through 1013 shall apply to all three elements of the means of egress system, in addition to those specific requirements

for the exit access, the exit and the exit discharge detailed elsewhere in this chapter.”

Type of structure:: Class 1

Was a violation cited? : Yes

File:

An Owner received a violation from the City of Indianapolis BNS regarding a TV monitor located within a conference room. The TV monitor is located at 36-inches above the floor on one wall of the conference room. The monitor sits over 4-inches away from the wall. The Owner has been cited as follows:

“Indiana Building Code 2014: 1003.3.3 Horizontal Projections.

Room: Conference Room

Floor: 12

Comments: TVs protruding horizontally more than 4” over a walkway surface must be provided with a guard at or below 27” high”

They want a guard located below the TV Monitor.

In my professional opinion, I do not believe the inspectors interpretation is correct. Based on a review of the 2014 IBC, I have noted the following:

“SECTION 1003

GENERAL MEANS OF EGRESS

1003.1 Applicability. The general requirements specified in Sections 1003 through 1013 shall apply to all three elements of the means of egress system, in addition to those specific requirements for the exit access, the exit and the exit discharge detailed elsewhere in this chapter.”

This specifically refers to the Section 1003.3. This applies to the “means of egress”. Not a conference room, office or other types of spaces provided throughout any type of building/office.

Describe the facts surrounding the dispute, including how each party interprets the

Per Ch. 2 of the 2014 IBC, the definitions of “means of egress” is as follows:

“MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a

language in question:

building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge.”

Additionally, the definitions of exit, exit access and exit discharge are as follows:

“EXIT. That portion of a means of egress system between the exit access and the exit discharge or public way. Exit components include exterior exit doors at the level of exit discharge, interior exit stairways, interior exit ramps, exit passageways, exterior exit stairways and exterior exit ramps and horizontal exits.

EXIT ACCESS. That portion of a means of egress system that leads from any occupied portion of a building or structure to an exit.

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way.”

As defined, the means of egress does not include the area around the conference table. If everything, in every room, was considered a passageway, there would be many things that would not meet egress requirements.

For our understanding, I request an interpretation of this Section as I do not believe walking around the conference table would constitute a part of the means of egress and therefore Section 1003.3 would not apply to this situation within a conference room, office, etc.. It certainly applies in corridors, paths, any part of the means of egress, etc., but in this situation there are people within the room to help anyone with this issue to move around with ease.

Signature:



[Direct Link to Image](#)

Date:

Nov 21, 2018

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