

**Document:** Final Rule, **Register Page Number:** 27 IR 3505

**Source:** August 1, 2004, Indiana Register, Volume 27, Number 11

**Disclaimer:** This document was created from the files used to produce the official CD-ROM Indiana Register.

**TITLE 675 FIRE PREVENTION AND BUILDING  
SAFETY COMMISSION**

LSA Document #03-278(F)

**DIGEST**

Amends 675 IAC 12-4-11 of the General Administrative Rules to address the use of Class 1 structures classified as A, B, E, or M occupancies for residential occupancy for up to 30 days in a calendar year. Effective 30 days after filing with the secretary of state.

**675 IAC 12-4-11**

SECTION 1. 675 IAC 12-4-11 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 12-4-11 Occupancy of existing buildings**

**Authority:** IC 22-13-2-13

**Affected:** IC 12-17.2; IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-8; IC 36-8-17-13

Sec. 11. (a) Any building or structure lawfully in existence at the time of the adoption of any rule of the commission for new construction may have its existing use or occupancy continued without having to be altered to comply with such a rule.

(b) No change in the character or use of any building or structure shall be permitted ~~which~~ **that** shall cause the building or structure to be classified within a different occupancy group or within a different division of the same occupancy group, unless such building or structure **complies with, or is made to comply with:**

(1) ~~complies with, or is made to comply with,~~ the current rules of the commission for new construction for the proposed revised use of the building;

(2) ~~complies with, or is made to comply with,~~ the provisions of 675 IAC 12-8; or

(3) ~~complies with, or is made to comply with,~~ the provisions of 675 IAC 12-13.

Exception: Buildings constructed prior to the effective date of the 1998 Indiana building code (675 IAC 13) that change occupancy classification shall not be considered as a change in occupancy as outlined as follows:

Previous Classification	1998 IBC Classifications
B-1	S-3
B-2	B, F-1, M, S-1, and S-2
B-3	S-4 and S-5
B-4	F-2 and S-2
Open Parking Garage	S-4
M	U

(c) Occupancies or rooms, in which the use is changed to include the consumption of alcoholic beverages, and unseparated accessory uses to those occupancies or rooms, where the total area of such unseparated rooms and accessory uses exceeds five thousand (5,000) square feet, shall be made to comply with the sprinkler requirements of 675 IAC 13. For the use to be considered as separated, the separation shall not be less than as required for a one (1) hour occupancy separation in accordance with 675 IAC 13.

(d) The office of the state building commissioner may conduct an inspection to determine ~~the following~~ **that:**

(1) ~~that~~ a building or structure may be exempted from the rules for new construction under 675 IAC 12-8 or 675 IAC 12-13; or

(2) ~~that~~ a proposed change in character or use of any Class 1 building or structure will not cause noncompliance with

subsection (b).

(e) Subsection (b) shall not prohibit the following accessory uses within Class 2 structures provided they are in one (1) room ~~which that~~ does not exceed five hundred (500) square feet in floor area:

- (1) Wholesale and retail sales.
- (2) Offices.
- (3) Craft or hobby workshops.
- (4) Storage and sales rooms for other than hazardous materials.
- (5) Instructional classroom for less than twenty (20) adults or children when used not more than twelve (12) hours per week or four (4) hours in any one (1) day.

(f) Subsection (b) shall not prohibit the following accessory uses within Class 2 structures: Class I child care homes and Class II child care homes, licensed in accordance with IC 12-17.2.

**(g) Subsection (b) shall not prohibit the use of a Class 1 structure for residential occupancy not to exceed thirty (30) days in a calendar year, if all of the following conditions are met:**

- (1) The portion of the Class 1 structure being used for the residential occupancy is classified as A, B, E, or M occupancy.**
- (2) All existing exit signs shall be fully operational at all times.**
- (3) All means of egress shall be completely clear and unobstructed. All rooms used for sleeping shall exit to a corridor or exterior exit door.**
- (4) All emergency lighting shall be fully operational at all times. If emergency lighting is not installed in the building, it shall be installed in accordance with the current Indiana building code.**
- (5) All fire alarm systems, including manual pull stations, smoke detectors, horns, and strobes shall be fully operational and shall have been tested in accordance with the rules of the commission within the preceding twelve (12) months. Test documentation shall be maintained on the premises for inspection by the fire official.**
- (6) For buildings without an automatic alarm system, battery-operated smoke alarms shall be located in each room or space in which people will be sleeping. These alarms shall be tested at least monthly and shall be kept fully operational at all times. Test documentation shall be maintained on the premises for inspection by the fire official.**
- (7) No extension cords shall be used. Power strips with circuit breakers are permitted.**
- (8) Smoking within the building or buildings shall be prohibited at all times. "No Smoking" signs shall be posted in all areas used for residential purposes.**
- (9) Emergency evacuation plans shall be established in writing, including procedures to be followed in case of emergencies, location of exits, and gathering place outside for assembly after evacuation in the event of a fire or other emergency. All individuals using the building shall be trained in the emergency evacuation procedures.**
- (10) There shall be telephone access at all times for notification of emergencies.**
- (11) The officer on duty at the nearest responding fire station shall be notified that the building is being used for a residential occupancy, and a calendar shall be provided to the fire station showing the dates that people will be using the building for a residential occupancy and listing a contact phone number for a representative of the organization that uses the structure for residential purposes.**
- (12) All of the members, volunteers, and employees of the following who are present when the building is used for residential occupancy shall be trained in emergency procedures and shall be equipped with flashlights:**
  - (A) The entity that operates the facility for nonresidential purposes; and**
  - (B) The organization that uses the structure for residential purposes.**
- (13) At least one (1) adult member, volunteer, or employee of:**
  - (A) the entity that operates the facility for nonresidential purposes; or**
  - (B) the organization that uses the structure for residential purposes;****shall be awake and on duty at all times that people are sleeping in the building.**
- (14) There shall be at least one (1) adult member, volunteer, or employee of:**
  - (A) the entity that operates the facility for nonresidential purposes; or**
  - (B) the organization that uses the structure for residential purposes;****on site for each fifteen (15) people who will be sleeping in the building.**

*(Fire Prevention and Building Safety Commission; 675 IAC 12-4-11; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2684, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the secretary of state. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2585, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2084; errata filed Apr 15, 1998, 10:30 a.m.: 21 IR 3367; filed Nov 20, 2000, 3:25 p.m.: 24 IR 998; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Jun 25, 2004, 11:00 a.m.: 27 IR 3505)*

*LSA Document #03-278(F)*

*Notice of Intent Published: November 1, 2003; 27 IR 552*

*Proposed Rule Published: December 1, 2003; 27 IR 941*

*Hearing Held: February 16, 2004; AND April 6th, 2004*

*Approved by Attorney General: June 17, 2004*

*Approved by Governor: June 23, 2004*

*Filed with Secretary of State: June 25, 2004, 11:00 a.m.*

*Incorporated Documents Filed with Secretary of State: None*