

## 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—Scope and Application (Sections 101–102) and Part 2—Administration and Enforcement (Sections 103–116). Section 101 identifies which buildings and structures come under its purview and references other I Codes as applicable. Standards and codes are scoped to the extent referenced (see Section 102.4).~~

~~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. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the building performance criteria contained in the body of the code.~~

~~**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 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.icsafe.org/](http://qr.icsafe.org/) (see Formatting Changes to the 2024 International Codes for more information).~~

**Commented [RW1]:** Throughout this document “Building Code Official” & “Fire Code Official” have been changed to “Code Official”. As I believe this was one of the approved amendments.

## PART 1—SCOPE AND APPLICATION

SECTION 101—FIRE PREVENTION AND BUILDING SAFETY COMMISSION  
SCOPE AND GENERAL REQUIREMENTS

**[A] 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 Authority to 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 in accordance with IC 4-22-2.

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

**101.3.1** This rule shall be known as the 2026 Indiana Building 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 Building Code. These regulations shall be known as the *Building Code of [NAME OF JURISDICTION]*, hereinafter referred to as “this code.”

## SCOPE AND ADMINISTRATION

**101.4 Title**

**101.4.1** This rule shall be known as the 2026 Indiana Building 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 Building Code

**101.5 Effect of New or Changed Rules.**

**101.5.1** Construction projects for which design releases is required to be obtained as wet out in IC 22-15-3 and IC 22-15-2.3 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 for design release, and before the actual construction work being done, provided that an appropriate addenda and revision design release is issued by the department.

**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

**SECTION 102 - SCOPE AND GENERAL REQUIREMENTS**

[A] **102.1 101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, of removal and demolition of every building or Class 1 structure or any appurtenances connected or attached to such buildings or structures.

**Exception:** Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with ~~this code or the International~~ Indiana Residential Code 675 IAC 14.

[A] **102.1.1 101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

[A] **102.2 101.3 Purpose.** The purpose of this is to establish the minimum requirements to provide a reasonable level of safety, health and general welfare through structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation, and for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

**Commented [RW2]:** Current text from 2014 Codes will use "this Code" and "This Rule. IC 22-13-2 states: Sec. 2. (a) Except as provided in section 3.5 of this chapter, the commission shall adopt rules under IC 4-22-2.....Maybe a definition should b added that "This Rule" & "This Code"

**Commented [RW3]:** Revised 675 IAC 12-4-7 Application of changes in rules of commission to particular construction project. Current text is "double talk" . Not divided into separate paragraphs and grammatically written poorly. See 675 IAC 12-4-7 current GAR text. Please consider keeping this text.

**Commented [RW4]:** 675 12-4-8 Text is very similar to text in model code. Please keep model code text as it is simple to understand.

**Commented [RW5]:** Why should this Saving Clause, be hidden in 675 IAC 12? The Saving Clause should be easy to find. Saving Clause - 675 IAC 12-4-6 - copied as pasted from current text from GAR 675 IAC 12-4-6.

**Commented [RW6]:** Same as Saving Clause - thy is this text hidden in 675 IAC 12, where no one can find it? 675 IAC 12-4-3 - copied and pasted text. Please retain text here.

## SCOPE AND ADMINISTRATION

**102.3 Severability.** If a section, subsection, sentence, clause or phrase of this is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[A] **102.4101.4 Referenced codes.** The other codes specified in Sections 102.3.1 ~~101.4.1~~ through 102.3.7 ~~101.4.7~~ and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

[A] **102.4.1 101.4.1 Gas.** The provisions of the ~~International~~ *Indiana Fuel Gas Code (675 IAC 25)* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

[A] **102.4.2 101.4.2 Mechanical.** The provisions of the ~~International~~ *Indiana Mechanical Code (675 IAC 18)* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

[A] **102.4.3 101.4.3 Plumbing.** The provisions of the ~~International~~ *Indiana Plumbing Code (675 IAC 16)* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the ~~International Private Sewage Disposal Code~~ *Indiana Department Health, Environmental Health Rules* shall apply to private sewage disposal systems.

[A] **102.4.4 Electric.** The provisions of the *Indiana Electric Code (675 IAC 17)* shall apply to the installation, alteration, repair and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to the premises electrical system.

[B] **101.4.4 Property maintenance.** The provisions of the ~~International Property Maintenance Code~~ shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

[A] **102.4.5 101.4.5 Fire prevention.** The provisions of the ~~International~~ *Indiana Fire Prevention Code (675 IAC 22)* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

[A] **102.4.6 101.4.6 Energy.** The provisions of the ~~International~~ *Indiana Energy Conservation Code (675 IAC 19)* shall apply to all matters governing the design and construction of buildings for energy efficiency.

[A] **102.4.7 101.4.7 Existing buildings.** The provisions of the ~~International~~ *Indiana Building Code (675 IAC 13) Chapter 34-Existing Building Code* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

SECTION **103102**—APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] **103.1 102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[A] **103.2 102.3 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 code.

[A] **103.3 102.4 Referenced codes and standards.** The codes and standards referenced in this rule code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and

2024 INTERNATIONAL BUILDING CODE®

3

## SCOPE AND ADMINISTRATION

as further regulated in Sections ~~103.3.1~~ ~~102.4.1~~ and ~~102.4.2~~.

~~[A] 102.4.1 Conflicts.~~ Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] ~~103.3.1~~ **102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code ~~or the International Codes specified in Section 101.4~~, the provisions of this code ~~or the International Codes specified in Section 101.4~~, as applicable, shall take precedence over the provisions in the referenced code or standard.

~~[A] 102.5 Partial invalidity.~~ In the event that 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.

[A] ~~103.4~~ **102.6 Existing structures.** The legal occupancy of any *structure* existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, ~~the International Existing Building Code, the International Property Maintenance Code or the Indiana International Fire Prevention Code (675 IAC 22).~~

~~[A] 102.6.1 Buildings not previously occupied.~~ A *building* or portion of a *building* that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of this code ~~or the International Residential Code, as applicable, for new construction or with any current permit for such occupancy.~~

~~[A] 102.6.2 Buildings previously occupied.~~ The legal occupancy of any *building* existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, ~~the International Fire Code or International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.~~

#### [A] 103.5 Change of use or occupancy

**103.5.1** 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.

**103.5.2.** 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.

**103.5.3** Where there is a change of occupancy classification group or within a different division of the same occupancy classification group, the owner may 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).

**103.5.4** Class 1 structure lawfully in existence complying with the Rules of the Commission as set out in Table 103.5.4 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).

<b>TABLE 103.5.4 OCCUPANCY CLASSIFICATION</b>		
<u>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)</u> <sup>2,3</sup>	<u>1998 Indiana Building Code (675 IAC 12-2.3 effective April 30, 1998)</u> <sup>2,3</sup>	<u>2003 Indiana Building Code (675 IAC 13-2.4 effective April 21, 2003)</u> <sup>2,3</sup>
<b>A-1</b>	<b>A-1</b>	<b>A-1</b>

Commented [RW7]: See Section 101.6 of this code.

## SCOPE AND ADMINISTRATION

<u>A-2</u>	<u>A-2</u>	<u>A-1; A-2</u>
<u>A2.1</u>	<u>A-2.1</u>	<u>A-1</u>
<u>A-3</u>	<u>A-3</u>	<u>A-1; A-2; A-3</u>
<u>A-4</u>	<u>A-4</u>	<u>A-4; A-5</u>
<u>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.</u>		
<u>B-1</u>	<u>S-3</u>	
<u>B-2</u>	<u>B; F-1; M; S-1 and S-2</u>	<u>B; F-1; M; S-1 and S-2</u>
<u>B-3</u>	<u>S-4; S-5</u>	
<u>B-4</u>	<u>F-2; S-2</u>	<u>F-2; S-2</u>
<u>E-1</u>	<u>E-1</u>	<u>E</u>
<u>E-2</u>	<u>E-2</u>	<u>E</u>
<u>E-3</u>	<u>E-3</u>	<u>E - Daycare</u>
<u>Opening Parking Garage</u>	<u>S-4</u>	<u>S-1</u>
<u>M</u>	<u>U</u>	<u>U – Private Parking Garage</u>
<u>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.</u>		
<u>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.</u>		

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

## **PART 2 — ADMINISTRATION AND ENFORCEMENT**

### **SECTION 104103 — CODE COMPLIANCE AGENCY**

[A] 104.1 103.1 Creation of enforcement agency. In accordance with IC 36-7-2-9 and IC 36-7-8 municipalities and counties shall create The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the *building official*. an department for the The function of the agency shall be the implementation, administration and enforcement of the provisions of the rules of the Commission. this code.

The code official may adopt policies as to the administration of the political subdivisions building department.

[A] 104.2 103.2 Appointment. The political subdivision shall appoint a The *building code* official shall be appointed by the chief appointing authority of the political subdivision. 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.

## SCOPE AND ADMINISTRATION

**103.3 Deputies.** ~~In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the building official.~~

**104.4 Local Inspection program.** A political subdivision that has enacted and put into effect an ordinance in accordance with IC 22-15-2 shall be deemed to have established a program to enforce the rules of the commission and perform periodic inspection to determine compliance with the rules of the commission.

**104.4.1** The appointing authority for the *code official* shall provide a written statement to the department that inspection will be provided by the political subdivision.

**104.4.2** The appointing authority shall provide the following information to the department for receiving design releases, notices and order sent by the department:

1. Code Officials name, mailing address and electronic mail address (e-mail)
2. Names of all inspectors and the scope of inspections assigned to the inspectors.

**104.4.3** Any changes to the factual content initially submitted to the department is the responsibility of the appointing authority to submit updated information in writing to the department within thirty (30) days of the date of the change.

**104.4.5** If the department determines the requirements for an inspection program are no longer performed a statement shall be provided to the appointing authority of the political subdivision, of the determination.

**104.4.5.1** Once notice is given to the appointing authority for the political subdivision there is no longer an inspection program in place, the construction fees established in 675 IAC 12 shall be assessed for all applications for design release and construction inspection fee.

## SECTION ~~105~~ **104**—DUTIES AND POWERS OF **BUILDING CODE** OFFICIAL

[A] **105.1 ~~104.1~~ General.** Duties and powers of the ~~The building code official as set out in the political subdivision's ordinance for the enforcement of the Rules of the Commission. is hereby authorized and directed to enforce the provisions of this code.~~

[A] **105.2 ~~104.2~~ Determination of compliance.** The ~~building code official shall have the authority to determine compliance with the rules of the commission this code, to render interpretations of this code is hereby authorized and directed to administer and enforce, variances granted in accordance with IC 22-13-2-11 and orders issued under IC 22-12-7.~~

~~and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:~~

~~Shall be in compliance with the intent and purpose of this code.~~

~~Shall not have the effect of waiving requirements specifically provided for in this code.~~



[A] **105.2.1 ~~104.2.1~~ Listed compliance.** Where this 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 *building code official*.

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

[A] **105.2.2.1 ~~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 an *Indiana licensed design professional-qualified engineer, specialist, laboratory* or specialty organization acceptable to the *building code official*. The *building code official* is authorized to require design submittals to be prepared by, and bear the stamp of, an *Indiana licensed 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 code, the *building code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *building code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *building code official*.

[A] ~~105.2.3 104.2.3 Alternative materials, design and methods of construction and equipment~~. The provisions of this 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 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. This exception shall not apply to alternative structural materials or to alternative structural designs.~~

[A] ~~105.2.3.1 104.2.3.1 Approval authority~~. An alternative material, design or method of construction shall be *approved* where the *building code official* finds that the proposed alternative is satisfactory and complies with Sections ~~105.2.3 104.2.3~~ through ~~105.2.3.7 104.2.3.7~~, as applicable.

[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 *building code official* for approval. Where the alternative material, design or method of construction is not *approved*, the *building 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 code official may accept as evidence of compliance with this code and any other of 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 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.

## SCOPE AND ADMINISTRATION

[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 *building 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 *building 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~~.

[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 *building code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *building 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 *building code official*.

[A] ~~105.2.3.6.1 104.2.3.6.2~~ **Other reports.** Reports not complying with Section ~~105.2.3.6.1 104.2.3.6.1~~ 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 specialty organization acceptable to the *building code official*. The *building 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 *building 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 building official*.

[A] ~~105.2.4 104.2.4~~ **Variance, Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, ~~the department or commission shall approve or deny such modifications through the variance process as set out in IC 22-13-2.~~ ~~the building official shall have the authority to grant modifications for individual cases, provided that the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, and that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.~~

[A] ~~105.2.4.1 104.2.4.1~~ **Flood hazard areas.** Construction in flood hazards areas is regulated by the Indiana Department of Natural Resources, Division of Water. ~~The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:~~

- ~~1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.~~
- ~~2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.~~
- ~~3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.~~
- ~~4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.~~

~~Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance~~

2024 INTERNATIONAL BUILDING CODE®



## SCOPE AND ADMINISTRATION

~~will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.~~

[A] ~~105.3~~ **104.3 Applications and permits.** The *building code* official shall receive applications, review construction documents, issue permits, inspect the premises for which such permits have been issued and enforce compliance with the provisions ~~of for administration of the political subdivision's ordinance with reference to review of construction documents, issuance of permit and performance of inspections, this code.~~

[A] ~~105.3.1~~ **104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** ~~Determination of substantially improved or substantially damaged existing Class 1 structures is determined by the Indiana Department of Natural Resources, Division of Water, rules for requirements of political subdivision ordinance required by the Federal Emergency Management Agency (FEMA). For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612, or Section R306 of the International Residential Code, as applicable.~~

[A] ~~105.4~~ **104.4 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building code* official has reasonable cause to believe that there exists in a *Class 1* structure or on a premises a condition that is contrary to or in violation of ~~the rules of the Commission this code~~ that makes the *Class 1* structure or premises unsafe, dangerous or hazardous, the *building code* official is authorized to enter the *Class 1* structure or premises at all reasonable times to inspect or to perform the duties imposed by this ~~code and the political subdivision ordinance as it relates the administrative procedures of this~~ code. If such *Class 1* structure or premises is occupied, the *building code* official shall present credentials to the occupant and request entry. If such *Class 1* structure or premises is unoccupied, the *building 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 *Class 1* structure or premises and request entry. If entry is refused, the *building code* official shall have recourse to every remedy provided by law to secure entry.

[A] ~~105.4.1~~ **104.4.1 Warrant.** Where the *building 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 *Class 1* structure or premises shall not fail or neglect, after a proper request is made as herein provided, to permit entry therein by the *building code* official for the purposes of inspection and examination pursuant to this code.

[A] ~~105.5~~ **104.5 Identification.** The *building code* official shall carry proper identification when inspecting *Class 1* structures or premises in the performance of duties under this code.

[A] ~~105.6~~ **104.6 Notices and orders.** The *building code* official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with ~~the political subdivision's administrative procedures and IC 36-7-2-9, Section 114.~~

[A] ~~105.7~~ **104.7 Official records.** The *building code* official shall keep official records as required by Sections ~~104.7.1 through 104.7.5~~ **105.7.1 through 105.7.2**. Such official records shall be retained ~~as set out in the political subdivision's records retention schedule and if the political subdivision has not records retention schedule in accordance with the State of Indiana's record retention schedule, 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] ~~105.7.1~~ **104.7.1 Approvals.** A record of approvals shall be maintained by the *building code* official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] ~~105.7.2~~ **104.7.2 Inspections.** The *building code* official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] ~~105.7.3~~ **104.7.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section ~~105.2.3~~ **104.2.3**; ~~modifications in accordance with Section 104.2.4;~~ and documentation of the final decision of the *building code* official for ~~either shall be in writing and shall be retained in the official records.~~

## SCOPE AND ADMINISTRATION

[A] ~~105.7.4~~ ~~104.7.4~~ **Tests.** The *building code official* shall keep a record of tests conducted to comply with Sections ~~105.2.2.4~~ ~~104.2.2.4~~ and ~~105.2.3.5~~ ~~104.2.3.5~~.

[A] ~~104.7.5~~ **Fees.** The *building official* shall keep a record of fees collected and refunded in accordance with Section 109.

[A] ~~104.8~~ **Liability.** The *building official*, member of the board of appeals 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 personal liability for any damage accruing to persons or property as a result of any act or by reason of any 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 under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the *jurisdiction* until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

[A] ~~105.9~~ ~~104.9.1~~ **Materials and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

SECTION ~~106.105~~ — PERMITS

[A] ~~106.1~~ ~~105.1~~ **Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a *class 1 building or structure*, or to erect, install, enlarge, alter, *repair*, ~~remove~~, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this *code or another rule of the commission*, or to cause any such work to be performed, shall ~~first~~ make application to the *building code official* and obtain the required permit.

**106.1.1** Issuance of permits shall be as set out in the political subdivision's ordinance for administrative procedures for the building department.

**106.1.2** No permit shall be issued by the political subdivision until the owner or owner's authorized agent has submit a copy of the design release required by IC 22-15-3 or IC 22-15-3.2 to the *code official*.

[A] ~~105.1.1~~ **Annual permit.** Instead of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *building official* is authorized to issue an annual *permit* upon 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 operated by the applicant for the *permit*.

[A] ~~105.1.2~~ **Annual permit records.** The *person* to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

Commented [RW8]: Section retained due to effect of HEA 1575, and the 2014 Indiana Building Code can no longer state: "See Local Ordinance".

## SCOPE AND ADMINISTRATION

[A] **106.5.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any rule of the Commission, other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

- ~~1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m<sup>2</sup>).~~
- ~~2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.~~
- ~~3. Oil derricks.~~
- ~~4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.~~
- ~~5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.~~
- ~~6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.~~
- ~~7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
- ~~8. Temporary motion picture, television and theater stage sets and scenery.~~
- ~~9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.~~
- ~~10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~
- ~~11. Swings and other playground equipment accessory to detached one- and two-family dwellings.~~
- ~~12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.~~
- ~~13.1. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.~~

**Electrical:**

- ~~1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~
- ~~2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.~~
- ~~3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.~~

**Gas:**

- ~~1. Portable heating appliance.~~
- ~~2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.~~

**Mechanical:**

- ~~1. Portable heating appliance.~~
- ~~2. Portable ventilation equipment.~~
- ~~3. Portable cooling unit.~~
- ~~4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.~~
- ~~5. Replacement of any part that does not alter its approval or make it unsafe.~~
- ~~6. Portable evaporative cooler.~~
- ~~7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and~~

## SCOPE AND ADMINISTRATION

actuated by motors of 1 horsepower (0.75 kW) or less.

### Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

~~[A] 105.2.1 Emergency repairs.~~ Where equipment replacements and repairs must be performed in an emergency situation, the

~~permit application shall be submitted within the next working business day to the building official.~~

~~[A] 105.2.2 Public service agencies.~~ A *permit* shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

~~[A] 105.3 Application for permit.~~ To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed *building* or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

~~[A] 105.3.1 Action on application.~~ The *building 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 *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable.

~~[A] 105.3.2 Time limitation of application.~~ An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building 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] 105.4 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 this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority 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* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is authorized to prevent occupancy or use of a *structure* where in violation of this code or of any other ordinances of this jurisdiction.

~~[A] 105.5 Expiration.~~ Every *permit* issued shall become invalid unless the work on the *site* authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the *site* by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~[A] 105.6 Suspension or revocation.~~ The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

2024 INTERNATIONAL BUILDING CODE®

## SCOPE AND ADMINISTRATION

~~[A] 105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.~~

## SECTION ~~107.106~~—FLOOR AND ROOF DESIGN LOADS

[A] ~~107.1~~ **Live loads posted.** In ~~class 1 structures commercial or industrial buildings~~, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m<sup>2</sup>), such design *live loads* shall be conspicuously posted by the *owner* or the *owner's* authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

[A] ~~107.2~~ **Issuance of certificate of occupancy.** A certificate of occupancy required by Section ~~112.444~~ shall not be issued until the floor load signs, required by Section ~~107.1406.1~~, have been installed.

[A] ~~107.3~~ **Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a ~~Class 1 building~~, structure or portion thereof, a load greater than is permitted by this code.

## SECTION ~~108.407~~—CONSTRUCTION DOCUMENTS

[A] ~~108.1~~ **General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two (2) or more sets, or in a digital format where allowed by the *building code official*, with each *permit* application. The *construction documents* shall be prepared by an ~~Indiana Licensed registered~~ design professional where required by the ~~IC 22-15-3 or IC 22-15-2.3 statutes of the jurisdiction in which the project is to be constructed~~. Where special conditions exist, the *building code official* is authorized to require additional *construction documents* to be prepared by an ~~Indiana Licensed registered~~ design professional.

**Exception:** The *building code official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by ~~an Indiana Licensed 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] ~~108.2~~ **Construction documents.** *Construction documents* shall be in accordance with Sections ~~107.8.2.1~~ through ~~107.8.2.8~~.

[A] ~~108.2.1~~ **Information on construction documents.** *Construction documents* shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building 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, ~~and rules of the commission and regulations, as determined by the building official~~.

[A] ~~108.2.2~~ **Fire protection system shop drawings.** Shop drawings for the *fire protection systems* shall be submitted to indicate conformance to this code, ~~applicable standards~~ and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 ~~of this code~~.

[A] ~~108.2.3~~ **Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the exit discharge to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

[A] ~~108.2.4~~ **Exterior wall envelope.** *Construction documents* for all *buildings* shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, *water-resistive barrier* and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents*

**Commented [RW9]:** Current 2014 Ind. Bldg. Code state - See 675 IAC 12-6 - 675 IAC 12-6 is for the issuance of a design release & NO political subdivision has been approved by the commission to issues design release. Therefore this section needs to be retained and for other reasons stated below in this comment. This section was formerly titled Design Releases - 675 IAC 12-6 text has been deleted in its entirety as it was stated Design Releases are an Department Rule and not a Commission Rule. Model Code Text for Construction Documents was re-instated and modified. 2014 Indiana Building Code states: "See Local Ordinance". This statement is no longer valid due to HEA 1575 (2023) - See Commission website for explanation of HEA 1575.



## SCOPE AND ADMINISTRATION

maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall system* that was tested, where applicable, as well as the test procedure used.

**[A] 1087.2.5 Exterior balconies and elevated walking surfaces.** Where balconies or other elevated walking surfaces have *weather-exposed surfaces*, and the structural framing is protected by an impervious moisture barrier, the *construction documents* shall include details for all elements of the impervious moisture barrier system. The *construction documents* shall include manufacturer's installation instructions.

**[A] 1087.2.6 Site plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and *existing structures* on the *site*, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of *existing structures* and construction that are to remain on the *site* or plot. The *building code official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration* or *repair* or where otherwise warranted.

**[A] 1087.2.6.1 Design flood elevations.** Construction within any designated flood zone is regulated by the Indiana Department of Natural Resources, Division of Water, in accordance with the Federal Emergency Management Agency, Flood Insurance Rate Maps (FIRM) maps

108.2.6.2 Construction in certain flood hazard areas requires the submission of Certified Elevation Certificate to the code official. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

**[A] 1087.2.7 Structural information.** The *construction documents* shall provide the information specified in Section 1603 of this code.

**[A] 1087.2.8 Relocatable buildings.** *Construction documents* for *relocatable (moved) buildings* shall comply with this section. ~~Section 3112~~

**1087.3 Examination of documents.** The *building code official* ~~shall may~~ examine or cause to be examined the accompanying submittal documents and ~~may shall~~ ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code ~~and other pertinent laws or ordinances~~.

108.3.1 If the code official choose to exam submitted construction documents, the examination in no way substitutes for the design release required by IC 22-13-3 or IC 22-13-3.2

**1087.3.21 Acceptance Approval of construction documents.** When the *building code official* issues a *permit*, the *construction documents* ~~shall may~~ be accepted as the construction documents for said construction approved, in writing or by stamp, as "Reviewed for Code Compliance." One (1) set of *construction documents* so reviewed shall be retained by the *building code official*. The other set shall be returned to the applicant, shall be kept at the *site* of work and shall be open to inspection by the *building code official* or a duly authorized representative.

**1087.3.32 Previous acceptance approvals.** This code shall not require changes in the *construction documents*, construction or designated occupancy of a class 1 structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within one hundred eighty (180) days after the effective date of this code and *construction* has not been abandoned.

**1087.3.43 Phased approval acceptance.** The *building code official* ~~is authorized to may~~ issue a *permit* for the construction of foundations or any other part of a *building* or *structure* before the *construction documents* for the whole *building* or *structure* have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a *building* or *structure* shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire *structure* will be granted.

108.3.4.1 The code official shall not issues permits for phased construction unless the required design release has been issued by the department.

**1087.3.54 Design professional in responsible charge.** Where it is required that documents be prepared by a Indiana Licensed registered design professional, the *building code official* ~~shall be authorized to may~~

**Commented [RW10]:** Based on difficult use of the Smart Sheet it cannot be determined if Section 3112 has been deleted or retained. Once known, a modification here may be needed. Correct section is 3113, ICC has issued an errata.



## SCOPE AND ADMINISTRATION

require the owner or the owner's authorized agent to engage and designate on the building permit application an Indiana licensed registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent ~~may shall~~ designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building code official shall be notified in writing by the owner or the owner's authorized agent if the Indiana licensed registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The Indiana licensed registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**[A] 1087.3.5.4.1 Deferred submittals.** ~~Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.~~

Documents for deferred submittal items ~~shall may~~ be submitted to the Indiana Licensed registered design professional in responsible charge who shall review them and forward them to the building code official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been accepted approved by the building code official and permits are issued for deferred submittals.

108.3.5.1.1 Permits shall not be issued for deferred submittals until the required design release has been issues by the department.

**[A] 1087.4 Amended construction documents.** Work shall be installed in accordance with the accepted approved construction documents, this code and the rules of the commission. ~~and any~~ Any changes made during construction that are not in compliance with the accepted approved construction documents shall be resubmitted for acceptance approval as an amended set of construction documents.

108.4.1 Amended construction documents may require the amended construction or design to be submitted to the department for the issues of the required design release.

108.4.2 No permits for amended construction requiring a design release shall be issued until the required design released has been issued by the department.

**[A] 1087.5 Retention of construction documents.** One (1) set of accepted approved construction documents shall be retained by the building code official for a period of not less than one hundred and eighty (180) days from date of completion of the permitted work, or as required by the political subdivisions retention schedule or in the absence of the political subdivision's retention schedule in accordance with the State of Indiana's retentions schedule state or local laws.

## SECTION ~~109408~~—TEMPORARY STRUCTURES, EQUIPMENT AND SYSTEMS

**[A] 1098.1 General.** The building code official is authorized to issue a permit for temporary structures, equipment or systems. Such permits shall be limited as to time of service but shall not be permitted for more than one hundred eighty (180) days in a twelve (12) month period. The building code official is authorized to grant extensions for demonstrated cause. Structures designed to comply with Section 3103.6 shall not be in service for a period of more than one (1) year unless an extension of time is granted.

**[A] 1098.2 Conformance.** Temporary structures shall comply with the requirements in Section 3103.

**[A] 1098.3 Temporary service utilities.** The building code official is authorized to give permission to temporarily supply service utilities for a period not exceed the time of service, in accordance with Section 112.

**[A] 1098.4 Termination of approval.** The building code official is authorized to terminate such permit for a temporary structure, equipment or system and to order the same to be discontinued.



**Commented [RW11]:** Section 3103 - Temporary Structures - 3103.6 Structural Requirements.

**Commented [RW12]:** Section 3103 - Temporary Structures

SECTION ~~110.109~~ FEES

[A] ~~110.1109.1~~ **Payment of fees.** A *permit* shall not be valid until the fees prescribed by ~~the political subdivision law~~ have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

[A] ~~110.2109.2~~ **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-political subdivision~~.

[A] ~~110.3109.3~~ **Permit valuations.** The applicant for a *permit* shall provide an estimated value of the work for which the *permit* is being issued at 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 *building code official*, the valuation is underestimated, the *permit* ~~shall may~~ be denied, unless the applicant can show detailed estimates acceptable to the *building code official*. The *building code official* shall have the authority to adjust the final valuation for permit fees.

[A] ~~110.4109.4~~ **Work commencing before permit issuance.** Any *person* who commences any work before obtaining the necessary *permits* ~~shall may~~ be subject to a fee established by the ~~building official-political subdivision~~ that shall be in addition to the required *permit* fees.

[A] ~~110.5109.5~~ **Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by ~~the political subdivision law~~.

[A] ~~110.6109.6~~ **Refunds.** ~~Refunds shall be in accordance with the political subdivision policies. The building official is authorized to establish a refund policy.~~



**Commented [RW13]:** 675 IAC 12-3 Fees has been deleted. It was stated the fees in 675 IAC 12-6-3 are not commission fees, they are Department Fees, therefore Department Fees have been deleted.

SECTION ~~111110~~ INSPECTIONS

[A] ~~111.1110.1~~ **General-**

Construction or work for which a *permit* is required shall be subject to inspection by the *building code official* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or ~~any rule of the commission or the political subdivision, of other ordinances of the jurisdiction~~. Inspections presuming to give authority to violate or cancel the provisions of this code or ~~any rule of the commission or the political subdivision of other ordinances of the jurisdiction~~ shall not be valid. It shall be the duty of the *owner* or the *owner's* authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *building code official* nor the *political subdivision jurisdiction* shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] ~~111.2110.2~~ **Preliminary inspection.** Before issuing a *permit*, the *building code official* is authorized to examine or cause to be examined ~~class 1 buildings, structures and sites~~ for which an application has been filed.

[A] ~~111.3110.3~~ **Required inspections.** The *building code official*, upon notification, shall make the inspections set forth in Sections ~~111.3.1110.3.1 through 111.3.12110.3.12~~.

[A] ~~111.3.1110.3.1~~ **Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

[A] ~~111.3.2110.3.2~~ **Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**Commented [RW14]:** 2014 Indiana Building Code states: "See Local Ordinance". This statement is no longer valid due to HEA 1575 (2023) - See Commission website for explanation of HEA 1575. Further this section is retained to assist political subdivision in compliance with HEA 1005, and to eliminate any conflict with HEA 1575.

## SCOPE AND ADMINISTRATION

[A] ~~111.3.3~~ ~~110.3.3~~ **Lowest floor elevation.** In *flood hazard areas*, upon placement of the *lowest floor*, including the *basement*, and prior to further vertical construction, the elevation certification required by the *Indiana Department of Natural Resources, Division of Water in Section 1612.4 or the International Residential Code, as applicable*, shall be submitted to the *building code official*.

[A] ~~111.3.4~~ ~~110.3.4~~ **Frame inspection.** Framing inspections shall be made after the *roof deck* or sheathing, all framing, *fire-blocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

[A] ~~111.3.5~~ ~~110.3.5~~ **Types IV-A, IV-B and IV-C connection protection inspection.** In *buildings* of Types IV-A, IV-B and IV-C construction, where connection *fire-resistance ratings* are provided by wood cover calculated to meet the requirements of Section 2304.10.1, inspection of the wood cover shall be made after the cover is installed, but before any other coverings or finishes are installed.

[A] ~~111.3.6~~ ~~110.3.6~~ **Lath and gypsum panel product inspection.** Lath and *gypsum panel product* inspections ~~may~~ shall be made after lathing and *gypsum panel products*, interior and exterior, are in place, but before any plastering is applied or *gypsum panel product* joints and fasteners are taped and finished.

**Exception:** *Gypsum panel products* that are not part of a fire-resistance-rated assembly or a shear assembly.

[A] ~~111.3.7~~ ~~110.3.7~~ **Weather-exposed balcony and walking surface waterproofing.** Where balconies or other elevated walking surfaces have *weather-exposed surfaces*, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and *approved*.

**Exception:** Where *special inspections* are provided in accordance with Section 1705.1.1, Item 3.

[A] ~~111.3.8~~ ~~110.3.8~~ **Fire- and smoke-resistant penetrations.** Protection of *joints* and penetrations in fire-resistance-rated assemblies, *smoke barriers* and *smoke partitions* shall not be concealed from view until inspected and *approved*.

[A] ~~111.3.9~~ ~~110.3.9~~ **Energy efficiency inspections.** Inspections shall be made to determine compliance with *Indiana Energy Conservation Code (675 IAC 19) or submitted ComCheck Energy Compliance Reports Chapter 13* and shall include, but not be limited to, inspections for: envelope insulation *R-* and *U-values*, *fenestration U-value*, duct system *R-value*, and HVAC and water-heating equipment efficiency.

[A] ~~111.3.10~~ ~~110.3.10~~ **Other inspections.** In addition to the inspections specified in Sections ~~111.3.14~~ ~~110.3.14~~ through ~~111.3.94~~ ~~110.3.9~~, the *building code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code, *rules of the commission* and other *political subdivision requirements laws that are* enforced by the *code official*. ~~department of building safety.~~

[A] ~~111.3.11~~ ~~110.3.11~~ **Special inspections.** For *special inspections*, see Chapter 17.

[A] ~~111.3.12~~ ~~110.3.12~~ **Final inspection.** The final inspection shall be made after all work required by the building *permit* is completed.

[A] ~~111.3.12.1~~ ~~110.3.12.1~~ **Flood hazard documentation.** If located in a *flood hazard area*, documentation of the elevation of the *lowest floor* or the elevation of dry floodproofing, *required by the Indiana Department of Natural Resources, Division of Water if applicable, as required in Section 1612.4* shall be submitted to the *building code official* prior to the final inspection.

~~111.4~~ ~~110.4~~ **Inspection agencies.** The *building code official* is authorized to accept reports of *approved* inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

[A] ~~111.5~~ ~~110.5~~ **Inspection requests.** It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building code official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

## SCOPE AND ADMINISTRATION

[A] ~~111.6~~ **110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building code official in writing in accordance with IC 36-7-2-9.5. The building code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or the permit holder's agent wherein the same fails to comply with this code or any other rule of the commission. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized in writing in accordance with IC 36-7-2-9.5 by the building code official.

## SECTION ~~112.1~~—CERTIFICATE OF OCCUPANCY

[A] ~~112.1~~ **111.1 Change of occupancy.** A class 1 building or structure shall not be used or occupied in whole or in part, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or any other rule of the commission or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or any rule of the commission or the political subdivision or other ordinances of the jurisdiction shall not be valid.

**Exception:** Certificates of occupancy are not required for work exempt from permits in accordance with Section ~~105.2~~.

[A] ~~112.2~~ **111.2 Certificate issued.** After the building code official inspects the class 1 building or structure and does not find violations of the provisions of this code or any other rule of the commission or political subdivision laws that are enforced by the department, the building code official shall issue a certificate of occupancy that contains the following information:

1. The permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the class 1 structure for which the certificate is issued.
5. A statement that the described portion of the class 1 structure has been inspected for compliance with the requirements of this code and other rules of the commission.
6. The name of the building code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. Where an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

[A] ~~112.3~~ **111.3 Temporary occupancy.** The building code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building code official shall set a time period during which the temporary certificate of occupancy is valid.

[A] ~~112.4~~ **111.4 Revocation.** The building code official is authorized to suspend or revoke a certificate of occupancy or completion issued under the provisions of this code, in writing, wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the class 1 building or structure or portion thereof is in violation of the provisions of this code or any other rules of the commission or of the political subdivision or other ordinance of the jurisdiction.

**Deleted Section 112 Service Utilities in its entirety and insert to read as follows:**

**SECTION 113.42—MAINTENANCE OF EXISTING BUILDING AND STRUCTURES SERVICE UTILITIES**

**113.1. Permanent Systems**

Permanent Systems is defined as follow and is only applicable to this sections. 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

**113.2. Buildings and structures constructed prior to 1928.**

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

**113.3. Buildings and structures, constructed after 1928 and prior to the creation of 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.

**113.4.** The requirements of this 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.

**113.5** 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.

**113.6.** Notwithstanding section 115 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.

~~**[A] 112.1 Connection of service utilities.** A person shall not make connections from a utility, a source of energy, fuel, or power, or a water system or sewer system to any building or system that is regulated by this code for which a permit is required, until approved by the building official.~~

~~**[A] 112.2 Temporary connection.** The building official shall have the authority to authorize the temporary connection of the building or system to the utility, the source of energy, fuel, or power, or the water system or sewer system for the purpose of testing systems or for use under a temporary approval.~~

~~**[A] 112.3 Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.~~

**Commented [RW15]:** This is text from 675 IAC 12-4-9. The text has been modified to clean up language. Maintenance of Existing Building & Structures is not specific to the Department. The Department does not make determination on the maintenance of existing building and structures. These decision are made by local building/fire officials. This text needs to remain in "this code". Text should be in 675 13, 14, 16, 18, 19, 20, 22.

**Delete the text of Section 113 Means of Appeals and insert to read as follows: SECTION 114 – VARIANCES**

**SECTION 114 VARIANCE ~~113~~ MEANS OF APPEALS**

**114.1** Where there are practical difficulties involved in complying with the provisions of this code, or any other rule of the commission, the department or commission shall approve or deny such modifications through the variance process as set out in IC 22-13-2. See IC 22-13-2.

**(A) 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the ~~building 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 ~~building official~~.

**(A) 113.2 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) 113.3 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 who are not employees of the jurisdiction.

**(A) 113.4 Administration.** The ~~building official~~ shall take action without delay in accordance with the decision of the board.

**Commented [RW16]:** This was Section 114 Variances 675 IAC 12-5 (IC 22-13-2-11) - Variances has been Deleted it's entirety - as it was pointed out 675 IAC 12-5 is a Department Rule and not a Commission Rule.



**SECTION 115- EXISTING BUILDINGS, ADDITIONS, ALTERATIONS AND MOVED BUILDINGS.**

**115.1** 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.

**115.1.1 Permanent Systems**

Permanent Systems is defined as follow and is only applicable to this sections. 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

**115.2 Minor Nonstructural Alterations.**

**115.2.1.** 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.

**115.2.2** 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.



## SCOPE AND ADMINISTRATION

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.

### **115.3 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

### **115.4 Additions or alteration to existing Class 1 structures**

115.4.1 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

115.4.2. 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 115.1, 115.2, 115.3, and 115.10 are not violated

### **115.5 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.

### **115.6 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.

### **115.7 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.

### **115.6 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.

### **115.8 – 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.

### **115.9 Moved Buildings and Structures**

115.9.1 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.

115.9.2 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 103.5.1 or 103.5.2 of this rule

**115 CONVERSION OF EXISTING BUILDINGS****SECTION 116 ~~114~~—VIOLATIONS**

[A] **116.1 ~~114.1~~ Unlawful acts.** It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, extend, *repair*, move, remove, demolish or occupy any class 1 building, structure or equipment regulated by this code or any other rule of the commission, or cause same to be done, in conflict with or in violation of any of the provisions of this code or any other rule of the commission.

[A] **116.2 ~~114.2~~ Notice of violation.** The *building-code official* is authorized to serve a notice of violation or order in writing on the *person* responsible for the erection, construction, *alteration*, extension, *repair*, moving, removal, demolition or occupancy of a class 1 building or structure in violation of the provisions of this code or any other rule of the commission, or in violation of a *permit* or certificate issued under the provisions of this code in accordance with IC 36-7-2-9.5. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] **116.3 ~~114.3~~ Prosecution of violation.** If the notice of violation is not complied within the timeframe set out in the notice of violation ~~with prompt~~, the *building-code official* is authorized to request the legal counsel of the political subdivision jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the class 1 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] **116.4 ~~114.4~~ Violation penalties.** Any *person* who violates a provision of this code or any other rule of the commission or fails to comply with any of the requirements thereof or who erects, constructs, alters or *repairs* a class 1 building or structure in violation of the accepted approved construction documents or directive of the *building-code official*, or of a *permit* or certificate issued under the provisions of this code or any other rule of the commission, shall be subject to penalties as prescribed by law.

**SECTION 117 ~~115~~—STOP WORK ORDER**

[A] **117.1 ~~115.1~~ Authority.** Where the *building-code official* finds any work regulated by this code, or any other rule of the commission, being performed in a manner contrary to the provisions of this code, or any other rule of the commission or in a dangerous or unsafe manner, the *building-code official* is authorized to issue a stop work order.

[A] **117.2 ~~115.2~~ 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. The stop work order shall cite the rule of the commission including the section of the commission's rule which is violated

[A] **117.3 ~~115.3~~ Emergencies.** Where an emergency exists, the *building-code official* shall not be required to give a written notice prior to stopping the work. Written notice shall be provided to the owner, owner's representative within twenty-four (24) hours of stopping said work.

[A] **117.4 ~~115.4~~ Failure to comply.** Any *person* who shall continue any work after having been served with 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 political subdivision authority having jurisdiction.

**Commented [RW17]:** Deleted it it's entirety - this was 675 IAC 12-13 - as it was pointed out 675 IAC 12-13 is a Department Rule and not a Commission Rule.

## Deleted Section 116 in its entirety and submit to read as follows

### SECTION ~~118.116.1~~—UNSAFE BUILDINGS AND STRUCTURES AND EQUIPMENT

~~[A] **118.116.1 GENERAL.** For Unsafe Building or structure or equipment see the political subdivision Code of Ordinances for adoption by reference IC 36-7-9 unsafe structures.~~

~~**Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that 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 building 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] **116.2 Record.** The building 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] **116.3 Notice.** If an unsafe condition is found, the building official shall serve on the owner of the structure, or the owner's authorized 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 that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.~~

~~[A] **116.4 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 the return receipt requested.~~
- ~~3—A copy is delivered in any other manner as prescribed by local law.~~
- ~~4—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.~~

- ~~5.1. [A] **116.5 Restoration or abatement.** Where the structure or equipment determined to be unsafe by the building official is 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 building official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of the International Existing Building Code.~~