

**CAUSE NO: 03-53F**

**NAME: RICHMOND STATE HOSPITAL**

**ADMINISTRATIVE LAW JUDGE: WILLIAM TEEGUARDEN**

**DATE: AUGUST 15, 2005**

**COMMISSION ACTION: AFFIRMED**

**FINDINGS OF FACT**

1. The Marshal's office is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5 and the State Fire Code ("SFC") apply to this proceeding.
3. The Fire Prevention and Building Safety Commission is the ultimate authority within the meaning of IC 4-21.5 with respect to Orders of the Marshal.
4. At all times relevant to this proceeding, the Hospital was a state run facility for psychiatric patients which includes an educational unit for school age residents.
5. During a routine inspection connected to licensing in April of 2003, a duly authorized agent of the Marshal issued an order citing several violations of the Fire and Building Codes.
6. All issues but one were resolved by the time of the hearing.
7. The one remaining issue involved violation of #10 which involved Section 1213.1 of the IFC.<sup>1</sup>
8. Section 1213.1 of the IFC requires areas needed for exit discharge to remain free from obstruction.
9. At some point in the 1990's, the Hospital constructed an ADA compliant ramp at the exit/entrance to the school.
10. The school services approximately 36 students plus staff and is a two story building.
11. The exit in question is used by both stories for emergency exiting.
12. While building the ramp, the Hospital installed an iron railing which now partially blocks the exit path through the door. See the photograph attached to this decision.
13. The door width is approximately 46 inches.
14. The door opens out to a platform which leads to a set of stairs which were somewhat wider than the door.
15. The iron railing in question now blocks a significant portion of the stairway and cuts the usable width of the platform to 45 inches and usable width of the stairs to 30 inches.
16. Thus immediately on exiting to the stairs, a 46 inch escape route is cut to 30 inches.
17. This qualifies as an obstructed means of egress and thus is a violation of the 1998 IFC.

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<sup>1</sup> The violation was written on May 16, 2003. The 2003 IFC took effect on May 17, 2003, so the 1998 IFC applies.

18. The Hospital contends that under the 2003 IFC, the railing is permitted.
19. This is a relevant argument since a facility is required to conform to the current fire code.
20. At the time of the hearing, the 2003 IFC was in effect, so if the 2003 code fixed the problem, the violation has been abated by code change and the Commission should so find.
21. Section 1011 of the 2003 IFC reads about the same as the 1998 code and requires exit discharges to remain free of obstructions and impediments.
22. The Hospital submitted the 2000 International Code Commentary which would apply to the 2003 IFC. A copy is attached to this decision.
23. The trier of fact does not see how that commentary changes anything.
24. On its face, the 2003 IFC does not abate this violation.
25. The violation should be affirmed.

**NONFINAL ORDER**

Violation 10 of the Order of the State Fire Marshal issued May 16, 2003, to the Richmond State Hospital is affirmed.