

Cause #: 98-59B

Name: Jefferson Elementary School

Administrative Law Judge: William K. Teeguarden

Date: March 29, 1999

Commission Action: Affirmed

FINDINGS OF FACT

1. The OSFM is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5 and the 1993 Indiana Building Code (“IBC”) apply to this proceeding.
3. The FPBSC is the ultimate authority within the meaning of IC 4-21.5 over enforcement actions of the OSFM.
4. At all times relevant to this proceeding the school was in operation as an elementary school in Goshen, Indiana.
5. On September 10, 1998, as part of the annual inspection of the school, a duly authorized representative of OSFM issued an order to the school citing a violation of Section 4205 of the IBC involving wall coverings.
6. At issue is a small area of carpeting which, instead of being cut and fitted to the floor only, extends 4-8 inches up the wall.
7. The purpose of using the carpeting on the lower base of the wall was to protect the wall from damage by vacuum cleaners, floor washers, etc.
8. Section 4205 of the IBC states as follows:

“When used as interior wall finish, textile wall coverings, including materials such as those having a napped, tufted, looped, nonwoven, woven, or similar surface shall comply with the following:

 1. Textile wall coverings shall have a Class I flame spread and shall be protected by automatic sprinklers . . . , or
 2. < not applicable > .”
9. The parties agree that floor coverings do not have to be flame retardant or

flame spread compliant.

10. The school contends that 4-8 inch carpet cover on the lower wall is in the nature of a molding or baseboard and thus exempted from Section 4505 requirements by Section 4201(a) of the IBC which states in part “Requirements in this Chapter do not apply to trim defined as . . . baseboards,”
11. The IBC does not discuss heights of moldings or baseboards nor does it provide a definition.
12. The school provided testimony that the industry standard is 10%; that is, if a covering starts at the floor and measures less than 10% of the wall height, it qualifies as a baseboard. If it is more, it becomes a wall covering subject to Section 4205 of the IBC.
13. In the absence of a code definition, it is appropriate to use a Webster’s Dictionary definition.
14. In the Webster’s New Collegiate Dictionary, “molding” is defined as “a decorative plane or curved strip used for ornamentation or finishing.” “Baseboard” is defined as “a molding covering the joint of a wall and the adjoining floor.”
15. While carpeting material may not normally be thought of as baseboard material, there is no prohibition against it and as used here, it meets the definition of baseboard.
16. Clearly, there is a point at which a material used as a baseboard can become a wall covering.
17. The baseboards in conference complex of the Indiana Government Center South where the FPBSC meets have a maximum height of 12 inches from the floor. That height of covering still appears to be a baseboard rather than a wall cover.
18. While not adopting a 10% standard (which would likely allow a covering of approximately 10" at the school), it appears in this particular case that an 8" maximum textile covering that begins at floor level meets the definition of a baseboard and is not regulated by Section 4205.

NONFINAL ORDER

The Order of the State Fire Marshal dated September 10, 1998 and issued to Jefferson Elementary School is hereby vacated.

