

## **IC 22-13-5**

### **Chapter 5. Power of Building Law Compliance Officer to Interpret Building Laws**

#### **IC 22-13-5-1**

##### **"Interested person"**

Sec. 1. As used in this chapter, "interested person" refers to a person that has a dispute with a county or a municipality regarding the interpretation of a building law or a fire safety law.

*As added by P.L.71-1999, SEC.1. Amended by P.L.22-2005, SEC.37.*

#### **IC 22-13-5-2**

##### **Written interpretation of building law issued**

Sec. 2. (a) Upon the written request of an interested person, the building law compliance officer in the department of homeland security may issue a written interpretation of a building law or a fire safety law. An interpretation issued by the building law compliance officer in the department of homeland security must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The building law compliance officer in the department of homeland security may issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

*As added by P.L.71-1999, SEC.1. Amended by P.L.64-2003, SEC.1; P.L.22-2005, SEC.38.*

#### **IC 22-13-5-3**

##### **Written interpretation binding on interested person and county or municipality**

Sec. 3. (a) A written interpretation issued under section 2 of this chapter binds the interested person and the county or municipality with whom the interested person has the dispute until the written interpretation is overruled in a proceeding under IC 4-21.5.

(b) For purposes of IC 4-21.5, the commission is the ultimate authority regarding a written interpretation issued under section 2 of this chapter.

*As added by P.L.71-1999, SEC.1.*

#### **IC 22-13-5-4**

##### **Published interpretation binding on all counties and municipalities**

Sec. 4. (a) A written interpretation of a building law or fire safety law binds all counties and municipalities if the building law compliance officer in the department of homeland security publishes the written interpretation of the building law or fire safety law in the Indiana Register under IC 4-22-7-7(b). For purposes of IC 4-22-7-7, a written interpretation of a building law or fire safety law published by the building law compliance officer in the department of homeland security is considered adopted by an agency.

(b) A written interpretation of a building law or fire safety law published under subsection (a) binds all counties and municipalities until the earlier of the following:

(1) The general assembly enacts a statute that substantively changes the building law or fire safety law interpreted or voids the written interpretation.

(2) The commission adopts a rule under IC 4-22-2 to state a different interpretation of the building law or fire safety law.

(3) The written interpretation is found to be an erroneous interpretation of the building law or fire safety law in a judicial proceeding.

(4) The building law compliance officer in the department of homeland security publishes a different written interpretation of the building law or fire safety law.

*As added by P.L.71-1999, SEC.1. Amended by P.L.22-2005, SEC.39.*