

## **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 Version a**

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

*Note: This version of section effective until 1-1-2017. See also following version of this section, effective 1-1-2017.*

Sec. 2. (a) Upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall 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; P.L.218-2014, SEC.8.*

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

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

*Note: This version of section effective 1-1-2017. See also preceding version of this section, effective until 1-1-2017.*

Sec. 2. (a) Except as provided under subsection (c), upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall 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.

(c) If:

(1) an interested person submits a written request to the building commissioner for a written interpretation of a building

law or fire safety law applicable to a Class 2 structure; and  
(2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

*As added by P.L.71-1999, SEC.1. Amended by P.L.64-2003, SEC.1; P.L.22-2005, SEC.38; P.L.218-2014, SEC.8; P.L.49-2016, SEC.6.*

### **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 state building commissioner 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 state building commissioner 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 state building commissioner publishes a different written interpretation of the building law or fire safety law.

(c) The department or the state building commissioner may create an electronic data base for the purpose of cataloging all available variance rulings by the commission for the purpose of making the information available to the public on the Internet web site of the

department or the state building commissioner.  
*As added by P.L. 71-1999, SEC.1. Amended by P.L. 22-2005, SEC.39;  
P.L. 218-2014, SEC.9.*