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Indiana Statutes and Rules: Building Codes

by

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Indiana Statutes and Rules – Building Codes
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Contents

Course Information	3
Introduction.....	3
 Part One – Systems of Government	
A. How Does our Government Actually Work?.....	3
1. Civics – The Three Branches and the Rules they Create.....	3
2. Federal v. State – 51 Systems of Government.....	4
B. Where do Building Codes fit into this System?.....	4
C. Statutes v. Regulations.....	4
D. Indiana and its Three Branches	6
 Part Two – Establishment of Building Codes to Govern Indiana Buildings.....	
A. Indiana General Assembly and the Indiana Code.....	7
1. The Indiana Code	7
2. Title 22 of the Indiana Code	7
3. Article 12 of Title 22 of the Indiana Code.....	7
4. Article 13 of Title 22 of the Indiana Code.....	13
B. Governor of Indiana and the Indiana Administrative Code	16
1. The Indiana Administrative Code	16
2. Title 675 of the Indiana Administrative Code	16
3. Article 13 of Title 675 of the Indiana Administrative Code.....	17
4. Rule 2.6 of Article 13 of Title 675 of the Indiana Administrative Code	17
5. Sections 2-36 of Rule 2.6 of Article 13 of Title 675 of the Indiana Admin. Code....	19
 Part Three – Pulling it all together.....	
	24



Indiana Statutes and Rules – Building Codes
A SunCam online continuing education course

Course Information

This course provides an introduction to the Indiana laws and regulations that create, implement, and enforce Indiana’s 2014 Building Code. It has been explicitly designed and written to satisfy the continuing education requirements as laid out by the Indiana Professional Licensing Agency for Professional Engineers licensed in Indiana. According to the Indiana Professional Licensing Agency, professional engineers licensed in Indiana must complete at least one (1) hour of continuing education in “Indiana statutes and rules applicable to the practice of professional engineering” every two years. See **864 IAC 1.1-15-2 - Definitions** and **864 IAC 1.1-13-5 - Continuing education hours required**. This course satisfies that requirement.

Introduction

We all freely accept that most buildings in Indiana must comply with the Indiana Building Code. But how much do we *really* know about the Indiana Building Code? Who writes the Indiana Building Code? Who has the authority to change the Indiana Building Code? Is the Indiana Building Code a law, a statute, or a regulation? Why isn’t there a national building code? This course explores the legal foundation and structure of the Indiana Building Code and answers all of these questions and more. Upon completion of this course, you will understand which two branches of the Indiana state government work together to create the system of statutes and regulations that operates as the 2014 Indiana Building Code.

Part One – Systems of Government

A. How Does Our Government Actually Work?

1. Civics – The Three Branches of Government and the Rules they Create

Remembering back to your middle school civics classes, the **Constitution of the United States** provides for three branches of **Federal Government** – the **Legislative Branch** (Article I), the **Executive Branch** (Article II), and the **Judicial Branch** (Article III). Each article lays out the duties of the branch (separation of power) as well as the checks that that branch (balance of power) has over the other two branches. This **Separation of Power** combined with these **Checks and Balances** ensures no one branch of our government becomes more powerful than the other two branches.

In our **Federal legal system**, the **Legislative Branch** (the U.S. Congress) writes the **Laws** (also known as **Statutes**). The **Executive Branch** (the President of the United States) enforces the laws written by Congress through **Federal Agencies** via **Regulations**. The **Judicial Branch** (Supreme Court of the United States) interprets (via **Judicial Opinions**) the laws passed by Congress and the enforcement of those laws by the President.



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2. Federal v. State – 51 Systems of Government

The system outlined above operates at the **Federal Level** – the United States Congress, the President of the United States, and the United States Supreme Court. Therefore, this system governs federal issues only – issues that are identified in the Constitution and that affect all U.S. citizens equally. Issues that are not identified in the Constitutions are left to the states to govern. Every state in the Union operates in a similar three-branch format to govern state issues.

Indiana has the **Constitution of Indiana**, the **Indiana General Assembly**, the **Governor of Indiana**, and the **Supreme Court of Indiana**. This system can also operate on the local level within cities, counties, municipalities, etc. as well. Indianapolis for example, has the **City-County Council of Indianapolis and Marion County**, the **Mayor of Indianapolis**, and the **Marion Superior Court**. Practically every governing body at every level in the United States follows this same basic structure of (1) three branches, (2) separation of powers, and (3) a system of checks and balances.

B. Where do Building Codes fit into this system?

“Building Codes” are state issues because they are not explicitly referenced in the U.S. Constitution. This is good news for us as building codes must vary by state as buildings must also vary by state. We all intuitively know this. A warehouse in Gary, Indiana needs to be strong enough to withstand snow and ice loads created by long winters with lake effect snow while a warehouse in Phoenix, Arizona must be designed to not only endure dramatically different weather conditions, but also to prevent worsening those conditions through inadvertently creating a heat island with a huge, reflective roof. Similarly, high-rise buildings in California (and southern Indiana) need to be able to rock and roll their way through an earthquake while the same high-rise in downtown Chicago needs to be able to stand tall to straight-line winds and the effects wind tunnels can create, which are both different than the rotational winds that tall buildings in Tornado Alley must be designed to endure.

C. Statutes v. Regulations

There is one last piece to the “systems of government” puzzle to clarify before we dig into the nitty-gritty of Indiana Building codes. While statutes and regulations both act as “the law,” it is important to understand that they are created and operate in dramatically different ways.

We already know that once a law (**statute**) is passed by the Legislative Branch, enforcement of that law (via **regulations**) is the responsibility of the Executive Branch. Let’s say Congress passes a law that roughly says “*in the interest of national safety, no one shall be*



Indiana Statutes and Rules – Building Codes
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allowed to bring dangerous items on an airplane.” Of course, this sounds perfectly reasonable and straight forward. However, the *logistics* of putting that law into practice can be quite complicated. After all, what is a “dangerous item?” Well, some things are obvious – guns are dangerous, knives are dangerous, harmful chemicals are dangers, etc. However, is it true that all knives are dangerous? Of course, machetes, swords, butcher knives, etc. are dangerous. But is a simple pocket knife dangerous? What about a Swiss Army Knife? Is a butter knife dangerous? Is a plastic knife dangerous? And how do we find out if anyone has any of these items on their person or in their carry-on bag? Is asking them when they board the plane good enough? Should they be required to pass through a metal detector? Should every passenger sign a sworn statement that they don’t have any of these dangerous items, etc.?

One way to solve this problem is for Congress to explicitly identify all of the dangerous items it is trying to prohibit from airplanes in the actual statute (*i.e.* Congress writes “*this statute explicitly prohibits the following items from being carried onto a commercial aircraft: ...*”). Congress could also go so far as to outline the actual method of detection of the dangerous items in the statute (“*...every passenger shall be required to pass through a metal detector prior to boarding a commercial aircraft.*”).

But let’s think about that for a minute. We don’t necessarily want Congress to wade into the minutiae of the statutes it writes. Do we really want Congress to decide if three ounces of liquid is safe while three and half ounces of liquid is dangerous? Or if three ounces of hairspray is dangerous, while five ounces of shampoo is acceptable? No, we don’t. That is not the best use of Congress’ time. Therefore, it makes sense to let some of these determinations fall to other groups of people – perhaps experts in flammable liquids, experts in weaponry, or experts in concealment of dangerous items should be consulted to determine these guidelines. And, in fact, that is exactly what happens.

To give itself a way out of getting lost in the weeds, the Congress passed the Administrative Procedures Act (APA) which granted the Executive Branch the authority to “fill in the gaps” in the legislation it passes. The details of the APA are far beyond the scope of this course. Suffice it to say that, in our three-branch system of government, the **Legislative Branch** writes the broad, higher-level **statutes**, while the **Executive Branch** writes the details of implementation and enforcement of those high-level statutes via **regulations**.

In Indiana, the **Indiana General Assembly** (Legislative Branch) writes the statutes that require Indiana to adopt a building code. It is up to the **Governor of Indiana** (Executive Branch) to write the regulations (the minutiae) that constitutes that code.



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D. Indiana and its Three Branches

As mentioned before, the three branches of the Indiana government (created by the **Constitution of Indiana**) are the **Indiana General Assembly** (our legislative branch), the **Governor of Indiana** (our executive branch), and the **Supreme Court of Indiana** (our judicial branch).

The **Indiana General Assembly** writes the **laws** of Indiana which are codified in the **Indiana Code**. The Indiana Code (IC) governs all the people and operations of the citizens of Indiana. The IC is divided topically into 31 Titles. These topics can range anywhere from taxation and utilities to state emblems and state boundaries. These 31 Titles of the IC govern all Indiana activities such as elections, business associations, property ownership, criminal activities, environmental protections, **building codes**, professional licensing requirements, and agriculture and animals within the state of Indiana.

Implementation and enforcement of the laws written by the **Indiana General Assembly** (Indiana’s legislative branch) falls to the **Governor of Indiana** (Indiana’s executive branch) and is carried out via **regulations** issued by Indiana state agencies. These regulations are codified in the Indiana Administrative Code. The **Indiana Administrative Code** (IAC) also governs all the people and operations of the citizens of Indiana. It is divided topically into more than 150 Titles ranging from driver’s licenses to natural resources, from education and public health, and grain and seed labeling to alcohol and tobacco regulation.

When problems arise regarding the law or how it is carried out (regulations), the **Supreme Court of Indiana** (Indiana’s Judicial Branch) interprets (via **judicial opinions**) the laws and the regulations that implement and enforcement the law. The topic of Indiana Judicial Opinions is beyond the scope of this course.

Part Two – Establishment of Building Codes to Govern Indiana Buildings

In this section, we will trace the precise steps taken by the Indiana General Assembly, the Governor of the State of Indiana, and the Fire Prevention and Building Safety Commission to get us from our “[shall] adopt a statewide code of fire safety laws and building laws”¹ as required by the Indiana General Assembly to “roofs in LaPorte County shall be designed to adequately hold snow loads by using a minimum Ground Snow Load of at least 30 PSF with a minimum foundation of 36 inches where the foundation is the minimum foundation depth to bottom of

¹ Indiana Code 22-13-2-2.



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footing from the top of the grade above the footing in inches.”² as prescribed by the **2014 Indiana Building Code**.

A. Indiana General Assembly and Indiana Code

1. The Indiana Code

As previously discussed in Part One, Section D of this course, the **Indiana General Assembly** writes the **laws** of Indiana which are codified in the **Indiana Code**. The Indiana Code (IC) governs all the people and operations of the citizens of Indiana. The IC is divided topically into 31 Titles. These topics can range anywhere from taxation and utilities to state emblems and state boundaries. These 31 Titles of the IC govern all Indiana activities such as elections, business associations, property ownership, criminal activities, environmental protections, **building codes**, professional licensing requirements, and agriculture and animals within the state of Indiana.

2. Title 22 of the Indiana Code

The **Indiana General Assembly** uses Title 22 of the Indiana Code (IC) to govern **Labor and Safety** issues in Indiana. Title 22 includes 15 Articles addressing issues such as employee wages, hours, and benefits (Article 2); Indiana’s Worker’s Compensation system (Article 3); unlawful labor practices in Indiana (Article 5); labor organizations operating within Indiana (Article 7); occupational health and safety for Indiana workers (Article 8); fair housing for Indiana residents (Article 9.5); and **fire and building safety standards** for structures located within Indiana (Articles 12 and 13).

3. Article 12 of Title 22 of the Indiana Code

Specifically, through Article 12 of Title 22 of the Indiana Code, the Indiana General Assembly created the **Fire Prevention and Building Safety Commission** – an Indiana state agency under the control of the Governor of Indiana’s office. To be exact, IC 22-12-2-1 looks like this:

IC 22-12-2-1 Establishment of commission
 Sec. 1. The fire prevention and building safety commission is established.
As added by P.L. 245-1987, SEC.1.

² Derived from language included in 675 IAC 13-2.6-18(i), (j) and (k) – structural design generally, snow load by county particularly.



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That's it. That's all it takes to create a state agency. Granted, this one line is buried in pages and pages of legislation that describes all manner of fire and building safety standards. And that legislation was passed by both chambers of the Indiana General Assembly and then signed into law by the Governor of Indiana, but, it's still a pretty cool sentence. The trick in legal research is finding the one line, sentence, or paragraph that matters to you at any given time. Right now, in our discussion on the origin and authority of building codes in Indiana, this one sentence is enough for us at the moment.

To see this sentence in context and understand its citation (IC 22-12-2-1), let's recap just a bit and consider how we got to this particular sentence. First, we started at 36,000 feet with the concept of the Indiana Code. Then we descended to 24,000 feet by considering only Title 22 of the Indiana Code (Labor and Safety). We then descended to 12,000 feet looking only at those Articles in Title 22 that deal with fire prevention and building safety (Articles 12 and 13). Descending slightly, let's say to 8,000 feet, we focused on Article 12, officially titled "**Fire Safety, Building, and Equipment Laws: General Administration.**" This particular Article has 11 Chapters as follows:

IC 22-12. Fire Safety, Building, and Equipment Laws: General Administration

- Chapter 1. Definitions
- Chapter 2. Fire Prevention and Building Safety Commission
- Chapter 3. Board of Firefighting Personnel Standards and Education
- Chapter 4. Boiler and Pressure Vessel Rules Board
- Chapter 4.5. Regulated Amusement Device Safety Board
- Chapter 5. Repealed
- Chapter 6. Administration of Funds; Fire Insurance Policy Premium Tax; Fees
- Chapter 7. Administrative Adjudication; Special Judicial Proceedings
- Chapter 8. Infractions; Violations of Rules and Orders
- Chapter 9. Heating Oil Tank Closure
- Chapter 10. Above Ground Swimming Pools at Class 2 Structures

Now our one single sentence is starting to make more sense and has some additional context. Using Article 12, it looks like the Indiana General Assembly created four safety-related "oversight" agencies:

1. The Fire Prevention and Building Safety Commission (Chapter 2),
2. The Board of Firefighting Personnel Standards and Education (Chapter 3),
3. The Boiler and Pressure Vessel Rules Board (Chapter 4), and



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4. The Regulated Amusement Device Safety Board (Chapter 4.5).

It also provided guidance on how to administer funds (Chapter 6), how to adjudicate conflicts (Chapters 7 and 8), and a few other housekeeping items surrounding safety administration (Chapters 9 and 10).

Side Note #1: One very important thing to notice at this “8,000 feet” level – Article 12 includes a Chapter dedicated to “Definitions.” Most well written legislation, federal and state, includes a section *somewhere* that clarifies the terms used throughout that piece or section of legislation. Keep this nugget of “statutory interpretation” handy when reading any statute or regulation at any level of government. If you see a common word, usually a broad, generic noun, in a piece of legislation (*i.e.* board, commission, department, etc.), ***always*** look for a “definitions” section within that legislation to clarify how the legislators are intending that word to be used. If now we drop to 5,000 feet, we can see all of the definitions of all the potentially confusing words used by the Indiana General Assembly when writing this Article (formatting added by me for effect):

IC 22-12-1 Chapter 1. Definitions

Section 1	Application of definitions	Section 15	"Law"
Section 2	"Agricultural purpose"	Section 16	"Manufactured home"
Section 2.2	"ANSI"	Section 17	"Mobile structure"
Section 2.3	"ASME"	Section 17.5	"Outdoor performance"
Section 2.5	"ASTM"	Section 17.7	"Outdoor event equipment"
Section 3	"Building law"	Section 18	"Person"
Section 3.5	"Bull ride simulator"	Section 18.7	"Qualified entity"
Section 3.6	"Bungee jump facility"	Section 19	Repealed
Section 3.7	"Bungee jumping"	Section 19.1	"Regulated amusement device"
Section 4	"Class 1 structure"	Section 20	Repealed
Section 5	"Class 2 structure"	Section 21	Repealed
Section 6	"Commission"	Section 22	"Regulated lifting device"
Section 7	"Construction"	Section 23	"Regulated place of amusement or entertainment"
Section 8	"Control"	Section 23.3	Repealed
Section 9	"Department"	Section 23.6	"Stand"
Section 10	"Education board"	Section 24	"Structure"
Section 11	"Equipment law"	Section 25	"Rules board"
Section 12	"Fire department"	Section 26	"Vehicular bridge"
Section 13	"Fire safety law"		
Section 14	"Industrialized building system"		

If we drop a little farther, say to 2,000 feet, and read the first Section of this Chapter (Application of Definitions), the Indiana General Assembly gives us explicit instructions on how they would like us to use the definitions included in this Article:



Indiana Statutes and Rules – Building Codes
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IC 22-12-1-1 Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article, IC 22-13, IC 22-14, and IC 22-15.

As added by P.L.245-1987, SEC.1.

Therefore, these definitions are to be used when applying “this article” (Article 12), Article 13, Article 14, and Article 15 of Title 22, Labor and Safety of the Indiana Code. How cool is that? I think it’s pretty cool.

Side Note #2: Hopefully you are starting to see the pattern or logic of Indiana Code citations. Every law in the Indiana Code has at least four parts to its citation – the Title, Article, Chapter, and Section of the Indiana Code where the law appears. For illustration, let’s break down Section IC 22-12-2-6 that establishes the Fire Protection and Building Safety Commission. As a reminder, it reads:

IC 22-12-2-1 Establishment of commission

Sec. 1. The fire prevention and building safety commission is established.

As added by P.L.245-1987, SEC.1.

The four numbers identifying this section indicate the **Title**, **Article**, **Chapter** and **Section** of the **Indiana Code** in which it was codified:

Indiana Code

Title 22 – Labor and Safety

Article 12 – Fire Safety, Building, and Equipment Laws: General Administration

Chapter 2 – Fire Prevention and Building Safety Commission

Section 1. Establishment of commission

OR

IC 22-12-2-1 Establishment of commission

Sec. 1. The definitions in this chapter apply throughout this article, IC 22-13, IC 22-14, and IC 22-15.

As added by P.L.245-1987, SEC.1.



Indiana Statutes and Rules – Building Codes
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If there are multiple pieces included in a particular section, those will follow in parentheses. For example, if you are wondering how long a person can serve on the Fire Protection and Building Safety Commission, I would tell you that per **IC 22-12-2-2(b)**, commissioners serve four-year terms (**highlights** added by me for effect):

IC 22-12-2-2 Membership

Sec. 2. (a) The commission consists of eleven (11) members, nine (9) of whom shall be appointed by the governor.

(b) The term of a commission member is four (4) years.

(c) The state health commissioner or the commissioner's designee shall serve as a member of the commission, and the commissioner of labor or the commissioner's designee shall serve as a member of the commission.

(d) Each appointed member of the commission must have a recognized interest, knowledge, and experience in the field of fire prevention, fire protection, building safety, or other related matters. The governor shall consider appointing individuals to the commission with experience in the following:

- (1) A paid fire department.
- (2) A volunteer fire department.
- (3) The field of fire insurance.
- (4) The fire service industry.
- (5) The manufactured housing industry.
- (6) The field of fire protection engineering.
- (7) As a professionally licensed engineer.
- (8) Building contracting.
- (9) The field of building one (1) and two (2) family dwellings.
- (10) As a professionally licensed architect.
- (11) The design or construction of heating, ventilating, air conditioning, or plumbing systems.
- (12) The design or construction of regulated lifting devices.
- (13) City, town, or county building inspection.
- (14) Regulated amusement devices.
- (15) Accessibility requirements and personal experience with a disability.
- (16) Underground and aboveground motor fuel storage tanks and dispensing systems.
- (17) The masonry trades.
- (18) Energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:
 - (A) residential;
 - (B) single and multiple family dwelling; or
 - (C) commercial;
 building codes.

(e) Not more than five (5) of the appointed members of the commission may be affiliated with the same political party.

As added by P.L.245-1987, SEC.1. Amended by P.L.225-1989, SEC.1; P.L.118-1994, SEC.1; P.L.226-1995, SEC.1; P.L.1-1999, SEC.56; P.L.119-2002, SEC.4; P.L.22-2005, SEC.33.



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If you asked me if a professionally licensed engineer can serve on the Fire Protection and Building Safety Commission, I would tell you that per **IC 22-12-2-2(d)(7)**, professionally licensed engineers are explicitly qualified to serve on the FPBSC (**highlights** added by me for effect):

IC 22-12-2-2 Membership

Sec. 2. (a) The commission consists of eleven (11) members, nine (9) of whom shall be appointed by the governor.

(b) The term of a commission member is four (4) years.

(c) The state health commissioner or the commissioner's designee shall serve as a member of the commission, and the commissioner of labor or the commissioner's designee shall serve as a member of the commission.

(d) Each appointed member of the commission must have a recognized interest, knowledge, and experience in the field of fire prevention, fire protection, building safety, or other related matters. The governor shall consider appointing individuals to the commission with experience in the following:

- (1) A paid fire department.
- (2) A volunteer fire department.
- (3) The field of fire insurance.
- (4) The fire service industry.
- (5) The manufactured housing industry.
- (6) The field of fire protection engineering.
- (7) As a professionally licensed engineer.
- (8) Building contracting.
- (9) The field of building one (1) and two (2) family dwellings.
- (10) As a professionally licensed architect.
- (11) The design or construction of heating, ventilating, air conditioning, or plumbing systems.
- (12) The design or construction of regulated lifting devices.
- (13) City, town, or county building inspection.
- (14) Regulated amusement devices.
- (15) Accessibility requirements and personal experience with a disability.
- (16) Underground and aboveground motor fuel storage tanks and dispensing systems.
- (17) The masonry trades.
- (18) Energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:
 - (A) residential;
 - (B) single and multiple family dwelling; or
 - (C) commercial;
 building codes.

(e) Not more than five (5) of the appointed members of the commission may be affiliated with the same political party.

As added by P.L.245-1987, SEC.1. Amended by P.L.225-1989, SEC.1; P.L.118-1994, SEC.1; P.L.226-1995, SEC.1; P.L.1-1999, SEC.56; P.L.119-2002, SEC.4; P.L.22-2005, SEC.33.



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Side Note #3: The *italics* included at the end of the statute is the **History line** and it indicates the history of the particular statute. In this case, IC 22-2-2-2 was originally passed in 1987 (it was the 245th **P**ublic **L**aw passed by the Indiana General Assembly that year) and “Membership” was included in Section 1 of that piece of legislation. It was then amended in 1989 (by Section 1 of the 225th **P**ublic **L**aw passed that year, etc.), 1994, 1995, 1999, 2002, and 2005 respectively.

4. Article 13 of Title 22 of the Indiana Code

Now that we know about the FPBSC and how it functions, we look to Article 13 of IC 22 where the Indiana General Assembly laid out the duties and responsibilities of the Fire Prevention and Building Safety Commission. Article 13 includes the following five Chapters:

Article 13 – Fire Safety, Building, and Equipment Laws: Rules

- Chapter 1. Definitions
- Chapter 2. Rules; Variances; Review of State and Local Rules, Ordinances, and Orders; Approval of Cooperative Agreements
- Chapter 2.5. Repealed
- Chapter 3. Standards of Fire Safety Rules, Exemption from Regulated Explosive Magazine Permit Requirement
- Chapter 4. Standards for Building Rules; Exemptions from Design Release Requirement
- Chapter 5. Power of Building Commissioner to Interpret Building Laws

Notice this Article has a “definitions” Chapter as well. IC 22-13-1-1 looks like this:

IC 22-13-1-1 Application of definitions

Sec. 1. The definitions set forth in IC 22-12-1 and this chapter apply throughout this article.

As added by P.L. 245-1987, SEC.2.

In other words, if you come across a term in Article 13 that you would like to confirm how the Indiana General Assembly is using it, you can go directly to IC 22-12-2-1 for interpretation guidance.

Okay, let’s dig into Chapter 2 of Article 13 of Title 22 – **Rules; Variances; Review of State and Local Rules, Ordinances, and Orders; Approval of Cooperative Agreements**. This is the portion of the Indiana Code we have been waiting for. This is where the Indiana



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General Assembly grants regulatory powers to the Fire Prevention and Building Safety Commission through the following 21 Sections:

- IC 22-13-2 Chapter 2. Rules; Variances; Review of State and Local Rules, Ordinances, and Orders; Approval of Cooperative Agreements**
- Section 1. State agencies and political subdivisions to exercise statutory powers
 - Section 1.5. Removal or alteration of a sign as a condition of issuing a permit, license, or variance
 - Section 2. Statewide code of fire and safety building laws; national code adoption; school sanitation temporary rules
 - Section 2.5. Statewide residential code adoption
 - Section 3. Precedence of rules adopted by commission; reference to rules; ordinances
 - Section 3.5. Rules requiring the installation of automatic fire sprinkler systems prohibited
 - Section 4. Duplication, conflict, or overlapping of responsibility between rules
 - Section 4.1. Plan reviews by both state and local agencies
 - Section 5. Commission review of ordinances or regulations; approval
 - Section 5.5. Procedure for review of ordinances or regulations
 - Section 6. Ordinances or regulations of political subdivisions; application to industrialized building system or mobile structure
 - Section 7. Review of variances and orders of state agencies or political subdivisions
 - Section 8. Equipment laws
 - Section 8.5. Rules; outdoor event equipment
 - Section 9. Power of political subdivisions to regulate; limitation
 - Section 10. Lifting devices; regulation by county, city, or town; permits; inspections
 - Section 11. Variances
 - Section 11.5. Incorporation of NFPA 72 into the Indiana Administrative Code
 - Section 12. Agreements with federal government, other states, or foreign countries; approval of attorney general
 - Section 13. Exercise of power to adopt rules by commission
 - Section 14. Studies and consultation

And Section 2(a) of this chapter is the golden ticket, the smoking gun, the buried treasure. This is where the Indiana General Assembly orders the FPBSC to adopt a building code. IC 22-13-2-2 reads in part:



Indiana Statutes and Rules – Building Codes
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IC 22-13-2-2 Statewide code of fire and safety building laws; national code adoption; school sanitation temporary rules

Sec. 2. (a) Except as provided in section 3.5 of this chapter, the commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

IC 22-13-2-2 can also be read like this (highlights and shading added by me for effect):

IC 22-13-2-2 Statewide code of fire and safety building laws; national code adoption; school sanitation temporary rules

Sec. 2. (a) Except as provided in section 3.5 of this chapter [cannot require automated fire extinguisher], the commission [the Fire Prevention and Building Safety Commission – see IC 22-12-1-6] shall adopt rules under IC 4-22-2 [Indiana's rules for adopting regulations] to adopt a statewide code of fire safety laws and building laws.

Whew. It took us a long time to get there, but this is how the **Indiana General Assembly** assures the general welfare of its citizens through fire safety and building codes. In the next section, we will talk about how the **Governor of Indiana** carries out his duties to faithfully execute the laws passed by the **Indiana General Assembly**, specifically, the mandate to adopt a building code for all Indiana buildings. But, before we go, here is the complete text of **IC 22-13-2-2 – Statewide code of fire and safety building laws; national code adoption; school sanitation temporary rules** for additional context:

IC 22-13-2-2 Statewide code of fire and safety building laws; national code adoption; school sanitation temporary rules

Sec. 2. (a) Except as provided in section 3.5 of this chapter, the commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) The commission may adopt temporary rules in a manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to administer regulation of sanitary conditions and sanitary facilities of Class I structures under IC 22-12-1-3(4). A temporary rule adopted under this subsection expires on the earliest of the following dates:

- (1) The date specified in the temporary rule.
- (2) The date another temporary rule adopted under this subsection or rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.
- (3) January 1, 2017.



Indiana Statutes and Rules – Building Codes
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(c) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
- (2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).
- (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).
- (4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).
- (5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.
- (6) ANSI A90.1 Safety Code for Manlifts.

(d) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(e) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (c) and (d) within eighteen (18) months after the effective date of the subsequent edition.

(f) The commission may amend the national codes as a condition of the adoption under subsections (c), (d), and (e).

As added by P.L.245-1987, SEC.2. Amended by P.L.167-1997, SEC.3; P.L.119-2002, SEC.7; P.L.44-2005, SEC.1; P.L.1-2006, SEC.358; P.L.101-2006, SEC.34; P.L.113-2014, SEC.117; P.L.29-2014, SEC.28; P.L.86-2015, SEC.5; P.L.104-2018, SEC.2.

B. Governor of Indiana and the Indiana Administrative Code

1. The Indiana Administrative Code

As previously discussed in Part One, Section D, implementation and enforcement of the laws written by the **Indiana General Assembly** (Indiana's legislative branch) falls to the **Governor of Indiana** (Indiana's executive branch) and is carried out via **regulations** issued by Indiana state agencies. These regulations are published first for **notice and comment** in the **Indiana Record**, and are then codified in the **Indiana Administrative Code**. The Indiana Administrative Code (IAC) governs all the people and operations of the citizens of Indiana. It is divided topically into more than 150 Titles ranging from driver's licenses to natural resources, from education to public health, and from grain and seed labeling to alcohol and tobacco regulation, to name a few.

2. Title 675 of the Indiana Administrative Code

Title 675 of the IAC (**Fire Prevention and Building Safety Commission**) includes 25 Articles that outline the areas governed by the FPBSC and provide the rules (aka regulations)



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governing fire and building safety topics such as fire prevention (Article 11), fire protection in public buildings (Article 11.1), flammable liquid codes (Article 11.3), **building codes** (Article 13), plumbing codes (Article 16), electrical codes (Article 17), and mechanical codes (Article 18).

3. Article 13 of Title 675 of the Indiana Administrative Code

As mentioned above, Article 13 of Title 675 of the IAC deals only with building codes and contains *only two current* Rules, (1) Rule 1 – Fire and Building Safety Standards, and (2) Rule 2.6 – 2014 Indiana Building Code.

A quick review of all of the Rules contained within Article 13 (current and repealed) clearly shows the pattern used by the FPBSC to update Indiana’s Building Codes every few years (shading added by me for effect):

Article 13. Building Codes

Rule 1	Fire and Building Safety Standards
Rule 2	Indiana Building Code (Repealed)
Rule 2.1	Indiana Building Code, 1989 Edition (Repealed)
Rule 2.2	Indiana Building Code, 1993 Edition (Repealed)
Rule 2.3	1998 Indiana Building code (Repealed)
Rule 2.4	2003 Indiana Building Code (Repealed)
Rule 2.5	2008 Indiana Building Code (Repealed)
Rule 2.6	2014 Indiana Building code
Rule 3	Indiana Building Code Standards (Repealed)
Rule 3.1	Indiana Building Code Standards (Repealed)
Rule 4	Handicapped Accessibility Code (Repealed)
Rule 4.1	Indiana Handicapped Accessibility Code, Second Edition (Repealed)
Rule 4.2	American National Standard A117.1 – 1986 (Repealed)

As of March 26, 2019, only Rule 1 and Rule 2.6 are in effect in the state of Indiana. Rule 1 – Fire and Building Safety Standards, contains only one active Chapter which governs the prevention of fires and explosions in grain elevators and facilities handling bulk raw agricultural commodities. Rule 2.6 – 2014 Indiana Building Code contains 36 active Chapters which comprise our current Indiana Building Code.

4. Rule 2.6 of Article 13 of Title 675 of the Indiana Administrative Code

The first thing the Fire Prevention and Building Safety Commission did was adopt a “model” building code to serve as the basis of our Indiana Building Code. Model codes are written by experts and are offered into the world as “best practices” in a particular area. They



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are available for “adoption” (in whole or in part) by any interested group. In our case, the FPBSC selected the 2012 Edition of International Building Code (first printing) as the basis for the current Indiana Building Code. Section 675 IAC 13-2.6-1 provides (highlights added by me for effect):

675 IAC 13-2.6-1 Adoption by reference

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 1. (a) That certain document being titled the International Building Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in sections 2 through 36 of this rule.

(b) This rule is available for review and reference at the:

Legal and Code Services Section
 Indiana Department of Homeland Security
 Indiana Government Center South
 402 West Washington Street, Room W246
 Indianapolis, Indiana 46204.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.6-1; filed Aug 1, 2014, 11:12 a.m.; 20140827-IR-675130339FRA, eff Dec 1, 2014)

Side Note #1: Citations to regulations are similar to statutes in that they contain four parts. However, for regulations, the Title is listed before “IAC” to easily distinguish a regulation from a statute. In this case, the four numbers identifying this section indicate the **Title**, **Article**, **Rule** and **Section** of the **Indiana Administrative Code** in which it was codified:

Title 675 – Fire Prevention and Building Safety Commission
Indiana Administrative Code

Article 13 – Building Codes

Rule 2.6 – 2014 Indiana Building Code

Section 1. Adoption by Reference

OR

675-IAC-13-2.6-1 Adoption by Reference

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 1. (a) That certain document being titled the International Building Code, 2012



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Side Note #2: Notice immediately following the title of the Section is the **Authority line** which indicates the FPBSC’s source(s) of Authority to write this regulation: **IC 22-13-2-2** (which we discussed in Part Two, Section A(4)) and **IC 22-13-2-13** (Exercise of power to adopt rules by commission) which we did not discuss, however, its title is self-explanatory. In order for a regulation to be binding, the state agency issuing the regulation *must* have been granted the authority to do so by the state’s legislative branch in some piece of enabling legislation. As such, every Indiana regulation must include its source of authority from the Indiana Code as provided by the Indiana General Assembly.

Side Note #3: The next line, the **Affected line**, provides cross-references to other Indiana Code sections that are mentioned in the Authority code sections or are closely related to the Authority code sections. In this case, IC 22-12, IC 22-13, IC 22-14, IC 22-15, and IC 36-7 are either mentioned in IC 22-13-2-2 or IC 22-13-2-13 or are closely related to those two statutes.

Side Note#4: The last line of the regulation, *always in italics*, is the **History line** which indicates (1) which state agency has the authority to amend, repeal, or readopt that section, (2) the citation of the originally filed regulation and the date it was filed with the Indiana Secretary of State’s office, (3) the Indiana Register’s Document Identification Number (DIN), and (4) the effective date of the regulation. So, in this case, regulation 675 IAC 13-2.6-1 is controlled by the FPBSC, it was originally filed with the Indiana Secretary of State’s office on August 1, 2014 as “675 IAC 13-2.6-1”, it was a Final Rule published in the Indiana Register on August 27, 2014 as part of Title 675, document number #13-339, and went into effect December 1, 2014.

5. Sections 2-36 of Rule 2.6 of Article 13 of Title 675 of the Indiana Administrative Code – Modifications to individual Chapters of the International Building Code

We now know that regulation 675 IAC 13-2.6-1 adopted the 2012 International Building Code, first printing (2012 IBC), as the model building code for the state of Indiana. The next step for the FPBSC is to *modify* the 2012 IBC to reflect the specific needs of Indiana buildings. The FPBSC did this in 675 IAC 13-2.6-1 as well (**highlights** added by me for effect):

675 IAC 13-2.6-1 Adoption by reference

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 1. (a) That certain document being titled the International Building Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in



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sections 2 through 36 of this rule.

(b) This rule is available for review and reference at the:

Legal and Code Services Section
Indiana Department of Homeland Security
Indiana Government Center South
402 West Washington Street, Room W246
Indianapolis, Indiana 46204.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.6-1; filed Aug 1, 2014, 11:12 a.m.; 20140827-IR-675130339FRA, eff Dec 1, 2014)

With this part of the regulation, the FPBSC is in essence telling us to get a copy of the 2012 IBC, cross out particular sections within specific Chapters, and replace them with the language included in Sections 2 through 36 of Rule 2.6 of Article 13 of Title 675 of the Indiana Administrative Code as follows (**highlights** and formatting added by me for effect):

Rule 2.6 – 2014 Indiana Building Code

Section 1 **Adoption** by Reference

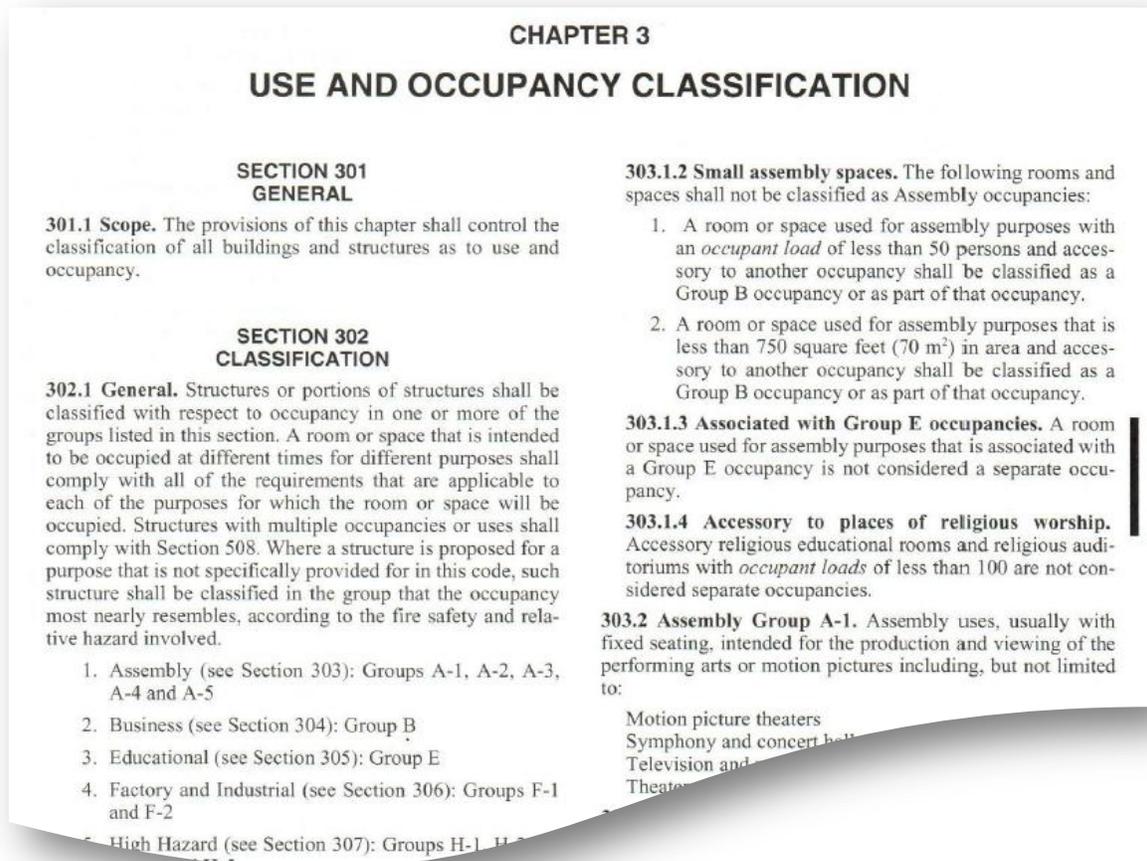
[Modifications:]

Section 2	Chapter 1; administration	Section 19	Chapter 17; special inspections and tests
Section 3	Chapter 2; definitions	Section 20	Chapter 18; soils and foundations
Section 4	Chapter 3; use and occupancy classification	Section 21	Chapter 19; concrete
Section 5	Chapter 4; special detailed requirements based on use and occupancy	Section 22	Chapter 21; masonry
Section 6	Chapter 5; general building heights and areas	Section 23	Chapter 22; steel
Section 7	Chapter 6; types of construction	Section 24	Chapter 23; wood
Section 8	Chapter 7; fire and smoke protection features	Section 25	Chapter 24; glass and glazing
Section 9	Chapter 8; interior finishes	Section 26	Chapter 26; plastic
Section 10	Chapter 9; fire protection finishes	Section 27	Chapter 27; electrical
Section 11	Chapter 10; means of egress	Section 28	Chapter 28; mechanical systems
Section 12	Chapter 11; accessibility	Section 29	Chapter 29; plumbing systems
Section 13	Adoption by reference; A117.1	Section 30	Chapter 30; elevators and conveying systems
Section 14	Chapter 12; interior environment	Section 31	Chapter 31; special construction
Section 15	Chapter 13; energy efficiency	Section 32	Chapter 32; encroachments into the public right of way
Section 16	Chapter 14; exterior walls	Section 33	Chapter 33; safeguards during construction
Section 17	Chapter 15; roof assemblies and rooftop structures	Section 34	Chapter 34; existing structures
Section 18	Chapter 16; structural design	Section 35	Chapter 35; referenced standards
		Section 36	Appendices



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Let's look at a few of those modifications. For example, consider Chapter 3 of the 2012 International Building Code, first printing. It looks like this:



The FPBSC would like us to change Chapter 3 of the 2012 Edition of the International Building Code, first printing (which is dated May 11, 2011), in a variety of ways per **675 IAC 13-2.6-4 – Chapter 3; use and occupancy classification**. First off, the FPBSC would like us to change **Section 301.1 Scope** of the 2012 IBC, first printing, by deleting “buildings” and replacing it with “Class 1” (highlights added by me for effect):

675 IAC 13-2.6-4 Chapter 3; use and occupancy classification

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. Chapter 3 is amended as follows: (a) Amend Section 301.1, Scope, by deleting "buildings and" and inserting "Class 1".

* * *



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So it now reads:

**SECTION 301
 GENERAL**

301.1 Scope. The provisions of this chapter shall control the classification of Class 1 structures as to use and occupancy.

The FPBSC then tells us to change Section 304 of the 2012 IBC, first printing, by adding “Fire and police stations” after “Electronic data processing” (highlights added by me for effect):

675 IAC 13-2.6-4 Chapter 3; use and occupancy classification

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. Chapter 3 is amended as follows: (a) Amend Section 301.1, Scope, by deleting "buildings and" and inserting "Class 1".

(b) Amend Section 304, Business Group B, by adding "Fire and police stations" after "Electronic data processing".

* * *

So it now reads (highlights added by me for effect):

**SECTION 304
 BUSINESS GROUP B**

304.1 Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

- Airport traffic control towers
- Ambulatory care facilities
- Animal hospitals, kennels and pounds
- Banks
- Barber and beauty shops
- Car wash
- Civic administration
- Clinic, outpatient



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Dry cleaning and laundries: pick-up and delivery stations and self-service
 Educational occupancies for students above the 12th grade
 Electronic data processing
Fire and police stations
 Laboratories: testing and research
 Motor vehicle showrooms
 Post offices
 Print shops
 Professional services (architects, attorneys, dentists, physicians, engineers, etc.)
 Radio and television stations
 Telephone exchanges
 Training and skill development not within a school or academic program

And so on and so forth until we have modified and updated the entire 2012 International Building Code, first printing, to reflect the needs of Indiana buildings. Whew. For reference, here is the **entire text of 675 IAC 13-2.6-4** outlining all of the modifications to Chapter 3 of the 2012 International Building Code, first printing (notice how the FPBSC even has us correct the spelling of “Explosives” in the 2012 IBC, **highlights** added by me for effect):

675 IAC 13-2.6-4 Chapter 3; use and occupancy classification

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. Chapter 3 is amended as follows: (a) Amend Section 301.1, Scope, by deleting "buildings and" and inserting "Class 1".

(b) Amend Section 304, Business Group B, by adding "Fire and police stations" after "Electronic data processing".

(c) Amend Table 307.1(1), Maximum Allowable Quantity Per Control Area of Hazardous Materials Posing a Physical Hazard as follows:

- (1) In the Material column, after "Cryogenics oxidizing" and after "Oxidizing gas", add footnote "r".
- (2) Add footnote "r" after footnote "q" to read as follows: I-2 occupancies shall be permitted to contain the following quantities:
 - (a) 300 cu. Ft. or less per smoke compartment may be stored without an enclosure if associated with patient care areas. (See Section 407.5 for smoke compartment requirements.)
 - (b) 3,000 cu. Ft. or less per room may be stored in rooms separated from adjacent spaces by smoke partitions complying with Section 710.



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- (c) 20,000 cu. Ft. or less per room may be stored in rooms separated from adjacent spaces by 1-hour fire barriers complying with Section 707.
- (d) Regardless of quantities, rooms containing manifolds shall be separated from adjacent spaces by 1-hour fire barriers complying with Section 707.
- (e) Regardless of quantities, rooms used for liquid oxygen transfer shall be separated from adjacent spaces by 1-hour fire barriers complying with Section 707.

(d) Amend Use-Closed Systems column by inserting footnote "e" between "10" and footnote "g" in the "Gas (cubic feet at NTP)" column of the Pyrophoric material row.

(e) Amend table 307.1(2), Maximum Allowable Quantity Per Control Area of Hazardous Material Posing A Health Hazard by adding footnote "e and f" in the "Solid pounds (cubic feet)" column heading, under "Storage".

(f) Amend Section 307.3.1, Occupancies containing explosives not classified as H-1, in item 2, by deleting "Explosives", and inserting "Explosives".

(g) Amend Section 308.3.1, Five or fewer persons receiving care, by deleting "or with Section P2904 of the International Residential Code".

(h) Amend Section 308.4.1, Five or fewer persons receiving care, by deleting the text and inserting to read as follows: A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3.

(i) Amend Section 310.1, Residential Group R, by deleting after "Group I", "or when not regulated by the International Residential Code".

(j) Amend Section 310.3, Residential Group R-1, by inserting "Bed and Breakfast Establishments" before "Boarding houses (transient) with more than 10 occupants".

(k) Amend Section 310.5, Residential Group R-3, by inserting after "congregate living facilities(transient) with 10 or fewer occupants, and Bed and Breakfast Establishments", "One and two family dwellings and townhouses are regulated by the Indiana Residential Code (675 IAC 14)".

(l) Amend Section 310.5.1, Care facilities within a dwelling, by deleting after "903.3.1.3", "or with Section P2904 of the International Residential Code".

(m) Amend Section 312.1, General, by deleting the text and inserting to read as follows: Group U Occupancies shall include buildings or structures, or portions thereof, and shall be classified as follows: Private garages, carports, sheds, tanks, towers, and agricultural buildings that are Class 1 structures.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.6-4; filed Aug 1, 2014, 11:12 a.m.: 20140827-IR-675130339FRA, eff Dec 1, 2014)

Part Three – Pulling it All Together

Remember way back at the beginning of Part Two of this course when I promised you we would trace the precise steps taken by the Indiana General Assembly, the Governor of the State of Indiana, and the Fire Prevention and Building Safety Commission to get us from “[shall] adopt a statewide code of fire safety laws and building laws” as required by the Indiana General Assembly to “roofs in LaPorte County shall be designed to adequately hold snow loads by using



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a minimum Ground Snow Load of at least 30 PSF with a minimum foundation of 36 inches where the foundation is the minimum foundation depth to bottom of footing from the top of the grade above the footing in inches.” as prescribed by the Indiana Building Code? Well, we now know that the Indiana General Assembly created a Fire Prevention and Building Safety Commission (IC 22-12-2-1) and ordered it to adopt a statewide building code (IC22-13-2-2). The newly formed FPBSC then adopted the 2012 International Building Code as our model code (675 IAC 13-2.6-1) and proceeded to amend 36 sections of that model code to make it appropriate for buildings in Indiana (675 IAC 12-2.6-2 through 36).

So, about that roof in LaPorte County? Let’s look at 675 IAC 13-2.6-18 – Structural Design. Section 18 begins like this:

675 IAC 13-2.6-18 Chapter 16; structural design

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 18. Chapter 16 is amended as follows: (a) Amend Section 1603, Construction documents, by deleting the text and inserting to read as follows: See the General Administrative Rules (675 IAC 12-6), Industrialized Building Systems (675 IAC 15), and local ordinance.

(b) Amend Table 1604.5, Risk Category of Buildings and Other Structures, in Risk Category III under "Nature of Occupancy", in the second item, delete "occupa" and insert "occupant".

(c) Amend Section 1604.6, In-situ load tests, by deleting the last sentence without substitution.

* * *

Subparts (i), (j), and (k) deal with Ground snow loads as follows:



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(i) Amend Section 1608.2, Ground snow loads, by deleting the text and inserting to read as follows: The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with ASCE 7 and Table 1608.2.

(j) Delete Table 1608.2, Ground Snow Loads, p_g , for Alaskan Location, without substitution.

(k) Delete Figure 1608.2, Ground Snow Loads, p_g , for the United States (psf), and insert to read as follows: Table 1608.2, Ground Snow Loads (p_g) and Minimum Foundation Depth by County

NO	COUNTY	SNOW (p_g) (PSF) ¹	FOUNDATION ² (inches)
1	Adams	20	36
2	Allen	20	36
3	Bartholomew	20	24
4	Benton	20	36
* * *			
46	LaPorte	30*	36
* * *			
92	Whitley	20	36

*Indicates those counties Lake, LaPorte, Porter, St. Joseph with extreme variation and shall require investigation by the design professional, or owner when a design professional is not required, to determine the actual minimum ground snow load at each site; however, the determined minimum snow load (p_g) shall be at least thirty (30) pounds per square foot. Ground snow load determination for such counties shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a two percent annual probability of being exceeded (50-year mean recurrence interval).

And that is how we know how much snow a roof in LaPorte County, Indiana must be designed to hold. For good measure, here is the original Table 1608.2 from the 2012 International Building Code (First Printing):

TABLE 1608.2
GROUND SNOW LOADS, p_g , FOR ALASKAN LOCATIONS

LOCATION	POUNDS PER SQUARE FOOT	LOCATION	POUNDS PER SQUARE FOOT	LOCATION	POUNDS PER SQUARE FOOT
Adak	30	Galena	60	Petersburg	150
Anchorage	50	Gulkana	70	St. Paul Islands	40
Angoon	70	Homer	40	Seward	50
Barrow	25	Juneau	60	Shemya	25
Barter Island	35	Kenai	70	Sitka	50
Bethel	40	Kodiak	30	Talkeetna	120
Big Delta	50	Kotzebue	60	Unalakleet	50
Cold Bay	25	McGrath	70	Valdez	160
Cordova	100	Nenana	80	Whittier	300
Fairbanks	60	Nome	70	Wrangell	60
Fort Yukon	60	Palmer	50	Yakutat	150

For SI: 1 pound per square foot = 0.0479 kN/m².