

(7) The stamped set of plans and specifications shall be returned to the applicant with an instruction to submit them, with a completed application for construction design release, to the division in accordance with 675 IAC 12-6.

(b) The seal provided by the division shall remain the property of the division.

(c) The certified city, town, or county may obtain a supply of application for construction document release forms from the division for the convenience of plan review applicants. *(Fire Prevention and Building Safety Commission; 675 IAC 12-7-5; filed Feb 1, 1988, 2:15 p.m.: 11 IR 1788; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2101; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

Rule 8. Indiana Building Rehabilitation Standard (Repealed)

(Repealed by Fire Prevention and Building Safety Commission; filed Mar 18, 2008, 2:34 p.m.: 20080423-IR-675070476FRA, eff 90 days after filing with the Publisher)

Rule 9. State Fire Marshal; Permits

675 IAC 12-9-1 Purpose

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

Affected: IC 22-12; IC 22-13; IC 22-14

Sec. 1. The purpose of this rule is to establish administrative procedures for the:

- (1) application;
- (2) issuance; and
- (3) renewal;

of permits by the state fire marshal. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-1; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

675 IAC 12-9-2 Definitions

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

Affected: IC 22-12-1; IC 22-14-2; IC 22-14-3-2

Sec. 2. (a) The definitions in this section apply only to this rule.

(b) "Amusement" means the same as entertainment.

(c) "Entertainment" means a performance or show designed to amuse or divert an assembly of persons.

(d) "Place" means, in the context of a place of amusement or entertainment, any of the following:

(1) A building primarily classified or capable of being classified as a Group A Occupancy under the Indiana Building Code (675 IAC 13).

(2) A room classified or capable of being classified as a Group A Occupancy under the Indiana Building Code (675 IAC 13).

(3) A structure classified or capable of being classified as a Group A-4 Occupancy under the Indiana Building Code (675 IAC 13).

(4) A designated outdoor area upon which are installed or erected temporary or permanent regulated amusement devices as defined in 675 IAC 23-1-4.

(e) "Regulated place of amusement or entertainment" means any of the following:

(1) A:

(A) theater;

(B) opera house;

(C) movie theater;

(D) dance hall;

(E) night club with a stage or floor show; or

(F) another place that offers an amusement or entertainment to the public for consideration or promotional purposes.

(2) A place where a boxing exhibition is conducted under the supervision of the state boxing commission.

(3) A hall, gymnasium, or place of assembly where a:

(A) school;

- (B) college;
- (C) university;
- (D) social or fraternal organization;
- (E) lodge;
- (F) farmers organization;
- (G) society;
- (H) labor union;
- (I) trade association; or
- (J) church;

holds any type of amusement.

(4) A public or private place where a regulated amusement device is operated.

(f) "State fire marshal" means either of the following:

(1) The state fire marshal appointed under IC 22-14-2.

(2) Any authorized employee of the state fire marshal.

(g) "Use" means, in the context of IC 22-14-3-2(b), a specified type of amusement or entertainment event intended by a permit applicant to be conducted at or in a regulated place of amusement or entertainment. (*Fire Prevention and Building Safety Commission; 675 IAC 12-9-2; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; errata, 11 IR 2632; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA*)

675 IAC 12-9-3 Amusement and entertainment permits

Authority: IC 22-12-6-6

Affected: IC 22-12-6-7; IC 22-14-3-2; IC 22-14-3-3

Sec. 3. (a) An applicant for an annual amusement and entertainment permit shall submit an application, with the applicable fee as set in IC 22-12-6-7, to the state fire marshal on forms provided by the division. An application may be submitted as early as September 1 of the year preceding the calendar year for which a permit will cover. Each application shall provide the information required by IC 22-14-3-3 and the following:

(1) A listing of each use, giving the:

(A) days and hours of operation of regularly scheduled events; and

(B) dates and inclusive times of special events planned to be conducted;

in the calendar year for which a permit is to cover.

(2) An attached floor plan or site plan showing the following:

(A) The planned arrangement of other than fixed seating.

(B) The location of the following:

(i) Aisles.

(ii) Exit ways.

(iii) Barriers.

(iv) Steps.

(v) Other crowd movement or control facilities, equipment, signs, or personnel.

(3) The maximum occupancy intended for both seated and standing attendees.

(4) The name, address, and telephone number of the person to be contacted to arrange for inspections by the state fire marshal.

(b) An applicant for a special event endorsement to an annual amusement and entertainment permit shall submit an application to the state fire marshal on forms provided by the division. Each application shall provide the following information:

(1) The permit number and address of the regulated place of amusement or entertainment for which an endorsement is sought.

(2) The name, address, and telephone number of the applicant if different than the applicant for the annual permit.

(3) The additional use, dates, and times of a special event not covered in the annual permit.

(4) An additional floor or site plan for the special event if different than the plans submitted with the application for the annual permit.

(5) The maximum occupancy intended for both seated and standing attendees.

(c) A permit issued under IC 22-14-3-2 and this section expires on December 31 in the year it is issued. (*Fire Prevention and Building Safety Commission; 675 IAC 12-9-3; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2237;*

readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)

675 IAC 12-9-4 Regulated explosives magazine permits

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 35-47.5-4

Sec. 4. (a) An applicant for an annual regulated explosives magazine permit shall submit an application to the state fire marshal on forms provided by the division. An application may be submitted at any time to cover a period of one (1) year from the issue date. Each application shall provide the information required by IC 35-47.5-4 and the following:

(1) The name, address, and telephone number of the following:

(A) The applicant.

(B) The person exercising control over the explosives magazines if not the applicant.

(2) Plans and specifications of the magazine construction, if necessary to perform the inspection required by IC 35-47.5-4.

(b) The state fire marshal shall determine that the type and number of explosives magazines to be covered by the permit are adequate to store the types and maximum quantities of explosives stated in the permit application. The determination shall be made in accordance with the Indiana Fire Code under 675 IAC 22.

(c) The state fire marshal shall make, or cause to be made, an inspection of explosives magazines for compliance with the Indiana Fire Code under 675 IAC 22 before the issuance of the explosives magazine permit.

(d) Explosives magazines used in connection with analytical laboratories or laboratories operated by a college, university, school, or educational entity for the purpose of instruction or research are exempt from the permit requirements of this section. However, such laboratories must be approved by the state fire marshal under the alternate criteria for explosive laboratory operations as established in the Indiana Fire Code under 675 IAC 22. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-4; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2109; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

675 IAC 12-9-5 Permits for supervised public display of fireworks

Authority: IC 22-11-14-2

Affected: IC 22-12; IC 22-13; IC 22-14

Sec. 5. (a) An applicant for a permit to conduct a supervised public display of fireworks shall submit an application to the state fire marshal on forms provided by the state fire marshal. Applications must be received by the division not fewer than fifteen (15) calendar days before the date of display. Under IC 22-11-14-2, the application shall be accompanied by a brief resume of the fireworks display operator's or operators' experience in the following:

(1) Preparation of the display.

(2) Igniting or discharging of fireworks.

(3) Implementing emergency procedures.

(4) Disposal of unfired or defective fireworks.

A fireworks display operator who has been convicted for a violation of IC 22-11-14 may not be designated as an operator in a permit application within one (1) year after the date of conviction.

(b) A permit issued by the state fire marshal shall not become effective until the chief of the fire department of the municipality in which the display is to be held has done the following:

(1) Approved the operator of the display as qualified.

(2) Inspected the proposed site of the display to determine that the display will not be hazardous to property or persons.

(c) A person may not possess, transport, or deliver fireworks for a supervised public display unless a permit for that display has been issued by the state fire marshal under this section.

(d) A permit issued under this section is not transferable. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-5; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2109; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

675 IAC 12-9-6 Fireworks stand retail sales permits

Authority: IC 22-11-14-7

Affected: IC 22-13; IC 22-14; IC 23-7-1.1

Sec. 6. An applicant for a fireworks stand retail sales permit shall submit an application to the state fire marshal on forms provided by the state fire marshal. Each application shall provide the following:

(1) The information required by IC 22-11-14-7.

(2) Evidence of incorporation under IC 23-7-1.1 as a not-for-profit corporation if an exemption from the permit fee is claimed. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-6; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

675 IAC 12-9-7 Certificate of compliance; wholesale fireworks

Authority: IC 22-12-6-6

Affected: IC 22-11-14-1; IC 22-11-14-5; IC 22-13-2-11

Sec. 7. (a) An applicant for a certificate of compliance, required by IC 22-11-14-5, for the sale of fireworks shall submit the following to the state fire marshal:

(1) A complete description of each firework item proposed to be shipped into Indiana.

(2) A written certification that the fireworks are manufactured in accordance with IC 22-11-14-1.

(3) A statement that:

(A) identifies the applicant as:

(i) a manufacturer;

(ii) a wholesaler;

(iii) an importer; or

(iv) a distributor; and

(B) provides the location to which the shipment of fireworks is to be received within Indiana.

(b) No certificate of compliance shall be issued until the state fire marshal determines, after inspection, that there is compliance with IC 22-11-14. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-7; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2237; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

675 IAC 12-9-8 Permit fees

Authority: IC 22-12-6-6

Affected: IC 22-13-2-11

Sec. 8. Each application for a permit or certificate covered by this rule (675 IAC 12-9) shall be accompanied by a check for the amount of the fee established in the commission's fee schedule under 675 IAC 12-3. Checks shall be made payable to the Fire and Building Services Fund. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-8; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1792; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2238; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA)*

675 IAC 12-9-9 Administrative adjudication

Authority: IC 22-13-2-13

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12; IC 22-14

Sec. 9. Any order granting or denying a permit or certificate governed by this rule shall be issued by the state fire marshal following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 12-9-9; filed Feb 1, 1988, 2:17 p.m.: 11 IR 1792; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*