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**FIRE PREVENTION AND BUILDING SAFETY COMMISSION**  
**Department of Homeland Security**

**Written Interpretation of the State Building Commissioner**

**Interpretation #:** CEB-2022-03-IC 22-12-1-4(a)(1)

**Building or Fire Safety Law Interpreted**

**[IC 22-12-1-4](#) "Class 1 structure"**

(a) "Class 1 structure" means any part of the following:

- (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
  - (A) The public.
  - (B) Three (3) or more tenants.
  - (C) One (1) or more persons who act as the employees of another.

*[Remainder of definition omitted for lack of relevance to the request.]*

**Issue**

Whether a structure containing stables that are rented to the public for boarding the public's horses, and in which members of the public occasionally tend to those horses, is a Class 1 structure under the definition provided in [IC 22-12-1-4\(a\)\(1\)](#).

**Interpretation of the State Building Commissioner**

Yes, a structure containing stables that are rented to the public for boarding the public's horses is considered a Class 1 structure under the definition provided in [IC 22-12-1-4\(a\)\(1\)](#), if the structure is intended to be or is occupied by the public for any purpose.

**Rationale**

This request centers on a horse barn structure that consists of one area accessed by a family for only their private use and another area containing stables that are intended to be rented or leased to members of the public for the quartering of the public's horses. Stipulated in the interested person's request is the fact that the public will, on occasion, enter the structure to tend to the animals, even if that time is spent only retrieving the animals for use or activities outside the structure, and then re-stabling them when done.

It is true that the majority of the time, the occupants of these stables are not human but animals, and that occupation of the structure by the public, in the person of the animals' owners, is limited in frequency and duration. However, the rules make no distinction regarding how often or for how long such occupation must occur before the structure qualifies as Class 1. The argument that the public is allowed in the structure only to stable, retrieve, and re-stable the animals is no more effective an argument for non-Class 1 status in this case than it would be for a mini-warehouse facility for self-service storage of inanimate goods, structures which are occupied in a similarly limited fashion. All that is required for Class 1 consideration under the statute is occupation or intended occupation by the public. Lastly, it should be noted the interpretation of the statutory definition of Class 1 structure provided in [IC 22-12-1-4\(a\)\(1\)](#) extends to the definition of this term as defined in [675 IAC 12-6-2\(b\)](#).

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