



August 29, 2018
By U.S. Mail and Electronic Mail

Carrie Ballinger
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254-4698

Re: Request for Appeal of Notice of Violation from the City of Indianapolis Department of Business and Neighborhood Services – Simon Tower Starbucks

Dear Ms. Ballinger:

The Commission is in receipt of your request for appeal of the Notice of Violation issued by the City of Indianapolis' Department of Business and Neighborhood Services on August 3, 2018. Pursuant to Indiana Code § 22-13-2-7(a), the Commission may review and modify or reverse any variance or other order that: (1) is issued by a state agency or political subdivision; and (2) covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety rule, or a building rule.

This matter will be placed on the Commission's meeting agenda for consideration at its regularly scheduled meeting on Tuesday, September 4, 2018. You, along with any individual(s) aggrieved by this order, are encouraged to attend this meeting in order to provide testimony at the Commission's discretion. Please be advised that consideration of this order is a discretionary power afforded to the Commission under Indiana state law, and does not constitute formal administrative review. Please feel free to contact me directly, should you have any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. J. Boyle', is positioned below the word 'Sincerely,'.

Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
doboyle@dhs.in.gov
(317) 650-7720

cc:

Ryan Schmidt, City of Indianapolis Department of Building and Neighborhood Services Inspector (via electronic mail)

Robin E. Nicoson, Chairman of the Fire Prevention and Building Safety Commission (via electronic mail)

James F. Schmidt, Deputy Attorney General and Fire Prevention and Building Safety Commission Legal Counsel (via electronic mail)

File

August 20, 2018

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
c/o Chairman
302 W. Washington Street, Room W246
Indianapolis, Indiana 46204



BUILDING CODES
♦
FIRE PROTECTION
♦
JCAHO/CMS/HFAP

Simon Tower - Starbucks Tenant
10 S Capitol Ave
Appeal of Local Order - IC 22-12-7-12

Dear Mr. Chairman:

This letter is a request for Appeal of the enclosed Notice of Violation issued for the above referenced project from the City of Indianapolis, Department of Business and Neighborhood Services, dated August 3, 2018, regarding electrical outlets above show windows.

Violation: 2009 Indiana Electrical Code 210.62 Show Windows
Show windows require electrical outlets.

The design team, on behalf of the owner, has been working with RTM to investigate and resolve the issue. We believe the windows in question do not meet the definition of “show windows” and are therefore exempt from the requirement to provide electrical outlets above the windows. The windows were not designed to be used for display of goods or advertising material. We believe the intent of this code section is to provide outlets for lighted signs or displays of goods, neither of which are proposed at the windows in question. The windows are along a seating area without any displays, and will have only non-lighted signage. Please see enclosed Exhibits A through D for a copy of the floor plan and interior elevation that were included in permit submittal showing the windows in question, photographs of the windows as built, excerpts from the 2008 National Electrical Code Handbook that was used for guidance in our interpretation, and emails from the State Building Commissioner confirming our interpretation is a common interpretation of this code.

Thank you for your attention to this matter. If you have any questions, please let us know.

Very truly yours,
RTM Consultants, Inc.

A handwritten signature in black ink that reads "C. C. Ballinger".

Carrie Ballinger
Associate

Enclosures;
Copy of Notice of Violation
Exhibit A - Floor Plan and Elevation
Exhibit B - Photographs
Exhibit C - Code Excerpt
Exhibit D - Emails from State Building Commissioner

cc: Daniel Potash - arcDesign
Ryan Schmidt - City of Indianapolis, Department of Building and Neighborhood Services



NOTICE OF VIOLATION

City of Indianapolis
Department of Business & Neighborhood Services
1200 Madison Avenue, Suite 100
Indianapolis, IN 46225

Case Number: VIO18-006567

Date: 08/03/2018

Time: 2:39 pm

Inspector Signature: *Ryan Schmidt*

Inspector Telephone Number: (317) 452-6395

Inspector Name: Ryan Schmidt

Inspector Fax Number: (317) 327-2621

Inspector Email: Ryan.Schmidt@indy.gov

Address of Violation: 10 S CAPITOL AVE

Person Served: DENNIS SHEETS

Mailed To: 1934 N ILLINOIS ST
INDIANAPOLIS, IN 46202

An inspection of the above noted property revealed the following violations:

Indianapolis Building Standards and Procedures 2016: 536-801 Minimum standards for structures and building equipment.

Indiana Electrical Code 2009: 210.62 Show Windows.

Room:

Floor:

Specific Location:

Comments: Show windows require electrical outlets.

The City of Indianapolis requests your cooperation in correcting the violation(s). Violations(s) that have not been corrected within 15 days of the date noted above, will result in further enforcement action, which may include but is not limited to:

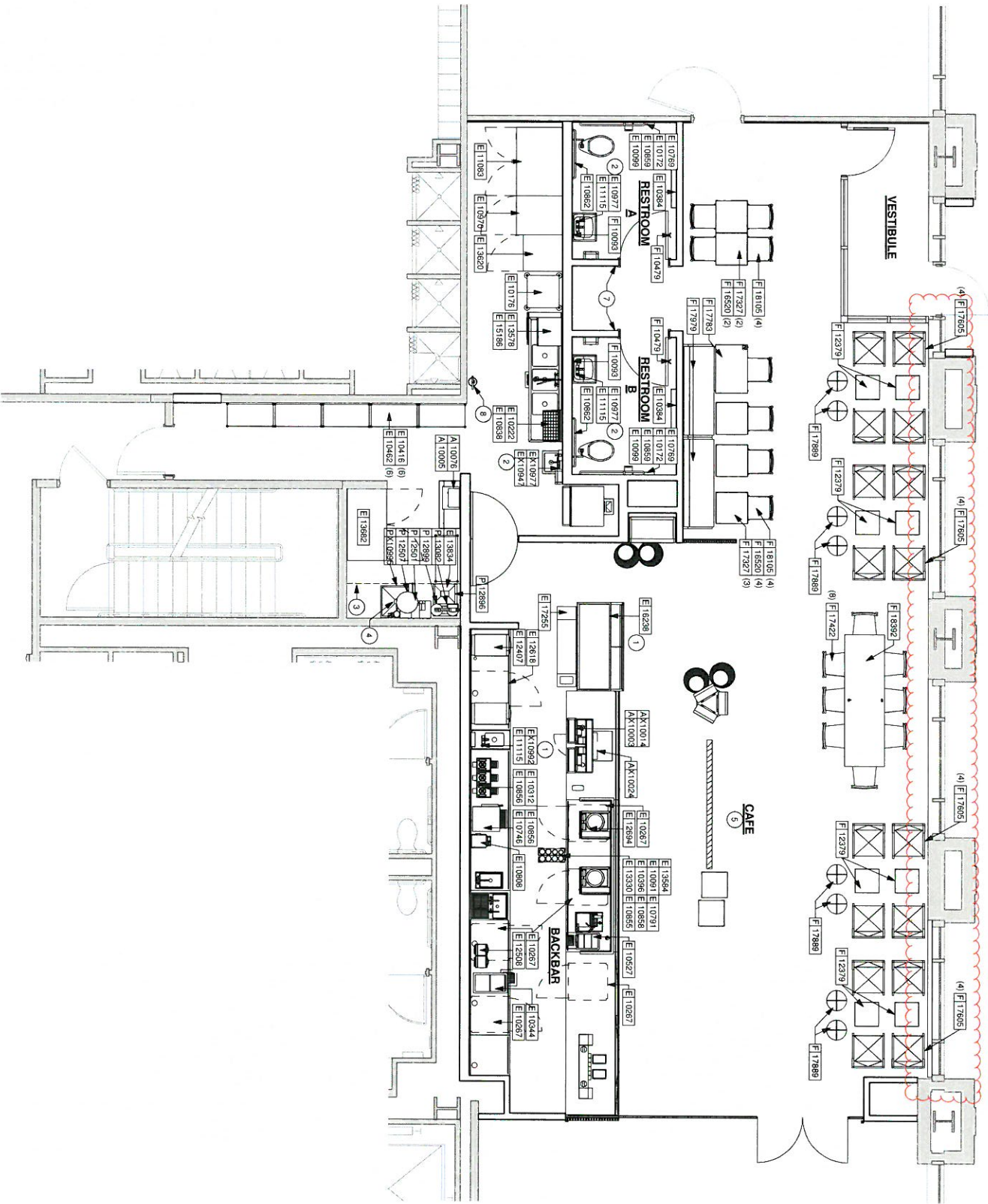
- 1) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation(s) have not been corrected (Section 536-609) and/or
- 2) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 536-709)

To further research the City of Indianapolis-Marion County code section mentioned above, please visit www.municode.com.

Do Not Remove This Notification

DESIGN ID	COUNT	DESCRIPTION	FURN. BY	INST. BY	COMMENTS
17422	8	CHAIR - CAPE CLAVED STRAP BACK - DARK WARM BROWN W/D001	SB	GC	
17665	16	CHAIR - LOANER FRAMELESS WITH DIAGONAL SITTING - WALNUT AND CARAMEL BROWN NATURAL W/D007 F0008	SB	GC	
17889	8	CHAIR - STUOL - BIN 455MM CROSS STITCHED UPHOLSTERED ROUND - WALNUT AND STONE BROWN NATURAL W/D077 F0190	SB	GC	
17939	2	BRANDLETTE - THINMED CUSHION BIN 1735MM - CARAMEL BROWN NATURAL F0008	SB	GC	
14400	8	CHAIR - CAPE JULEE - DARK WARM BROWN W/D001	SB	GC	
10093	2	MIRROR - RESTROOM - 18X30IN 455/763MM	GC	GC	
10479	2	COAT HOOK 2 PRONG	GC	GC	
12379	8	TABLE - OCCASIONAL X BASE SQUARE - BIN 455MM - AGED DARK BROWN CM001	SB	GC	
16820	5	TABLE - BASE CAPE DOME ACCENT - 20X27IN 510X685MM - HOT ROLLED STEEL M10011	SB	GC	
17267	1	TABLE - TOP SQUARE - 24IN 610MM - WALNUT W/D007	SB	GC	
17283	1	TABLE - ACCESSIBLE WITH NARROW METAL FRAME - 25X39IN 635X915MM - WALNUT	SB	GC	
18392	1	TABLE - COMMUNITY CAPE HEIGHT ANGLE BASE - 8 SEAT NARROW - WITH POWER WALNUT W/D007	SB	GC	

DESIGN ID	COUNT	DESCRIPTION	FURN. BY	INST. BY	COMMENTS
10005	1	MUSIC SYSTEM	SB	GC	PROVIDE POWER AT 66 AFF
10076	1	AMPLIFIER - 14IN 355MM	SB	GC	PROVIDE POWER AT 66 AFF
X10015	3	SPEAKER RECESSED - BLACK	GC	GC	SEE RCP FOR LOCATION
X10000	1	PHONE 1 LINE	LC	GC	
X10003	2	POS - REGISTER WITH FULL SIZE CASH DRAWER	LC	LC	FROM LC STORAGE
X10014	2	POS - REGISTER WITH FULL SIZE CASH DRAWER	LC	LC	FROM LC STORAGE
X10024	1	SAFE - LH - 20X18X28IN 510X455X685MM	LC	LC	



SHEET NOTES

- STARBUCKS INSTALLER TO SCHEDULE WITH LOCAL REFRIGERATION CONTRACTOR TO CONDUCT INITIAL STARBUCKS PROJECT DESIGN MEETING. OWNER FOR LIST OF APPROVED START-UP CONTRACTORS.
- EACH HAND WASHING SINK TO HAVE SINGLE SERVICE WATER HEATER MOUNTING SHELF ABOVE. REFER TO WATER HEATER SCHEDULE FOR ADDITIONAL INFORMATION.
- GENERAL CONTRACTOR TO PROVIDE STAINLESS STEEL SPLASH GUARD AT WOP SINK.
- SEE RCP FOR SPEAKER LOCATION.
- STARBUCKS FURNITURE CONTRACTOR (FC) TO COORDINATE ALL EQUIPMENT START-UPS DCPPT FOOD CASE.
- GENERAL CONTRACTOR TO PROVIDE ACCESSIBLE UNDER RESTROOMS SIGNAGE.
- GENERAL CONTRACTOR TO PROVIDE WALL HUNG FIRE EXTINGUISHER - MULTIPURPOSE TYPE.

FURNITURE, FIXTURE AND EQUIPMENT PLAN NOTES

- THE SPACE IS SERVED BY THE MUNICIPAL WATER AND SEWER SYSTEM UNLESS OTHERWISE NOTED.
- EDIBLE FOOD PRODUCTS TO BE PHYSICALLY SEPARATED FROM STORAGE OF NON-EDIBLE OR TOXIC PRODUCTS.
- ALL EQUIPMENT AND INSTALLATION WILL MEET NATIONAL SANITATION FOUNDATION STANDARDS ON EQUIPMENT.
- EQUIPMENT UNITS SHALL CONTAIN NO EXPOSED THREADS, EMBELLISHMENTS OR OVERHANGING EDGES THAT SERVE AS TRIP HAZARDS OR ACCUMULATION OF DIRT AND DEBRIS.
- FOR PLUMBING FIXTURES, REFER TO THE PLUMBING DESIGN PLAN.
- FOR LOCATION OF COUNTERTOP EQUIPMENT, REFER TO CASEWORK ELECTRICAL DETAILS.

LICENSED STORES RESPONSIBILITY LEGEND

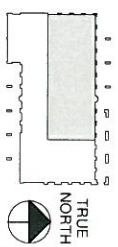
- SB - STARBUCKS
- FC - STARBUCKS FURNITURE CONTRACTOR
- LC - LICENSEE
- GC - LICENSEE'S GENERAL CONTRACTOR

SPECIALTY EQUIPMENT SCHEDULE - "E"

DESIGN ID	COUNT	DESCRIPTION	FURN. BY	INST. BY	COMMENTS
10267	5	FRIDGE UNDERCOUNTER 1 DOOR - 21IN 535MM	SB & LC	GC	(1) FROM LC STORAGE
10970	1	FRIDGE REACH IN 1 DOOR - LH - 28IN 725MM	GC	GC	
11883	1	FRIDGE REACH IN 2 DOOR - 51X36IN 1295X915MM	GC	GC	
12618	1	FRIDGE UNDERCOUNTER 1 DOOR WITH SHELF - 21IN 535MM	LC	GC	FROM LC STORAGE
13482	1	FREEZER REACH IN 2 DOOR - LH - 27IN 685MM	SB	GC	FROM LC STORAGE
13482	1	FREEZER REACH IN 2 DOOR - RH - 27IN 685MM	SB	GC	FROM LC STORAGE
10912	3	BREWER SOFT HEAT WARMING STAND SINGLE	SB & LC	GC	(2) FROM LC STORAGE
10746	1	BREWER DUAL SOFT HEAT	SB	GC	
10838	1	GRANDER DITTING KR1203	LC	GC	FROM LC STORAGE
10856	5	BREWER SERVER SOFT HEAT	SB & LC	GC	(4) FROM LC STORAGE
12407	2	OVEN TURBOCHIEF NEXT GENERATION	SB	GC	
12408	2	BLENDER QUIET MODEL ON COUNTER	LC	GC	FROM LC STORAGE
12694	2	ESPRESSO MACHINE MASTREMA	LC	GC	FROM LC STORAGE
15186	1	DISHWASHER HOT LOW STEAM	SB	GC	
18238	1	FOOD CASE - ZEPHYR - BIN 18159MM	SB	GC	
10102	1	ICE - BIN B55	LC	GC	FROM LC STORAGE
10344	1	ICE - BIN DROP IN 60LB 40KG	SB	GC	
10475	1	ICE - MACHINE REFRIGERATOR AIR COOLED SIDE VENT	LC	GC	FROM LC STORAGE
10527	1	ICE - BIN DROP IN 45LB 20KG	SB	GC	
10091	1	CUP DISPENSER TALL HOT VERTICAL	SB	GC	
10099	2	RESTROOM TOILET PAPER HOLDER	GC	GC	
10172	2	RESTROOM SEAT COVER DISPENSER	GC	GC	
10326	2	RESTROOM SIGN STATION HORIZONTAL	SB	GC	
10364	2	CUP DISPENSER TALL COLD VERTICAL	SB	GC	
10789	2	RESTROOM GRAB BAR VERTICAL - BIN 455MM	GC	GC	
10791	2	CUP DISPENSER GRANDE VENT HOT VERTICAL	SB	GC	
10855	2	CUP DISPENSER GRANDE VENT HOT VERTICAL	SB	GC	
10856	2	CUP DISPENSER TALL COLD VERTICAL	SB	GC	
10859	2	RESTROOM GRAB BAR - BIN 1220MM	GC	GC	
10862	2	RESTROOM GRAB BAR - BIN 915MM	GC	GC	
10977	2	PAPER TOWEL DISPENSER FULL SIZE - TRANSLUCENT	GC	GC	
11115	3	SOAP DISPENSER SINK MOUNTED	GC	GC	
13339	1	MOULD CUP DISPENSER COLD	SB	GC	
13584	1	CUP DISPENSER TALL COLD VERTICAL	SB	GC	
X10847	1	SOAP DISPENSER WALL MOUNTED	LC	GC	
X10977	1	PAPER TOWEL DISPENSER FULL SIZE - TRANSLUCENT	LC	GC	
X10992	1	PAPER TOWEL DISPENSER HALF SIZE - TRANSLUCENT	SB	GC	
10176	1	ROLLING PASTRY TRAY RACK	LC	GC	FROM LC STORAGE
10222	1	WIRE SHELF GRID AT SINK	SB	GC	
10416	6	WORKROOM WIRE SHELVING	LC	GC	FROM LC STORAGE
10482	6	WORKROOM WIRE SHELVING POSTS	LC	GC	FROM LC STORAGE
10988	1	MOP BACK WITH 3 HOLDERS	GC	GC	
13578	1	ROLLING WIRE CART FOR 3 COMP SINK	SB	GC	
13834	1	DISHWARE DRYING RACK - 21IN 535MM BASE - 24X18IN 610X455MM	GC	GC	FROM LC STORAGE
17255	1	PASTRY TRAY CART - BIN 1525MM PASTRY TRAY CART - BIN 1525MM	SB	GC	

FURNITURE, FIXTURES, AND EQUIPMENT PLAN

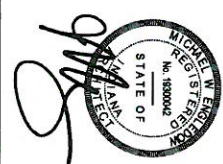
Scale: 1/4" = 1'-0"



Date: 1.22.2018
 acd/ESIGN Project Number: 16206
 Client Project Number: 76032-001
 Drawn By: DB
 Drawing Title: FF AND E PLAN

100% CONSTRUCTION DOCUMENTS

SIMON PROPERTY GROUP
STARBUCKS AT SIMON TOWER
 10 S CAPITOL AVE
 INDIANAPOLIS, IN 46204



arc DESIGN
 architects + interiors
 201 N Delaware Street, Suite B
 Indianapolis, IN 46204
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Exhibit A

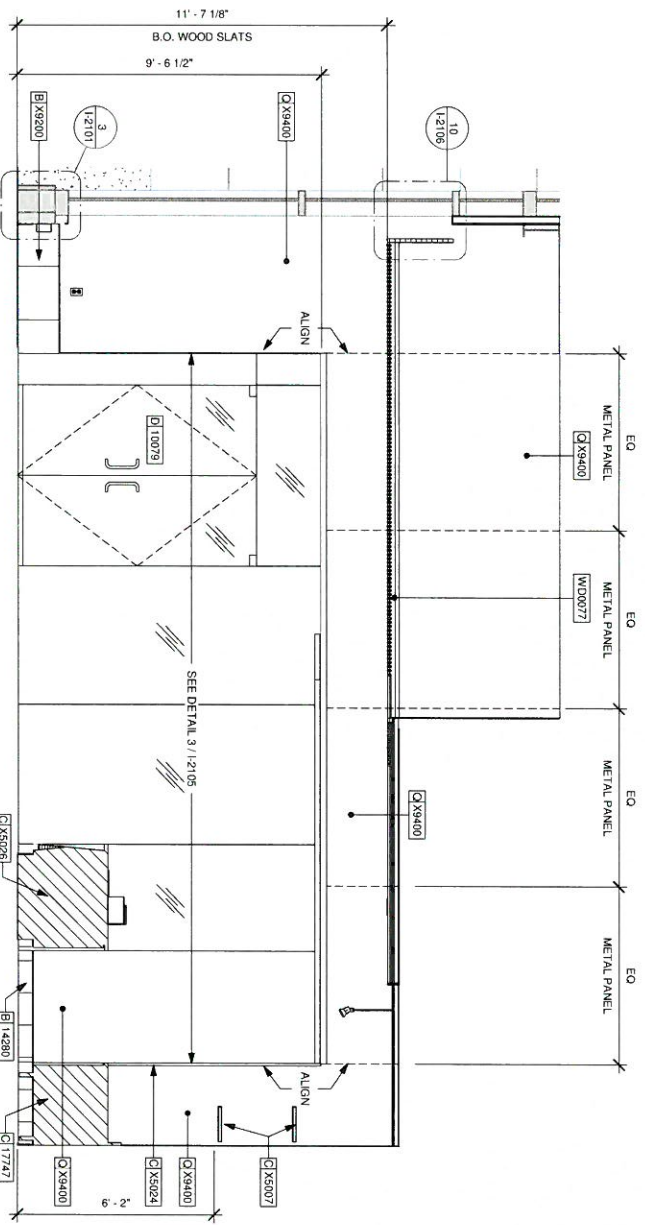
DESIGN ID	COUNT	DESCRIPTION	FURN. BY	INST. BY	COMMENTS
GRAPHICS - ARTWORK					
17099	1	ART - ROBERT HARDRAVE - HARVEST	SB	GC	WRAPPED CANVAS IN FLOAT FRAME - SIZE: 9'-0" X 4'-6" - REVEAL: 1/4" - PRINT TO EDGES - OVERALL SIZE: 9'-0" X 4'-6" - PRINT EDGES BLACK - CANVAS 1 - FRAME
1723	1	ART - TYLER KETTON ROBBINS - BEAN TO BREW - PART 1	SB	GC	WRAPPED CANVAS IN FLOAT FRAME - SIZE: 36" X 48" - 1/4" REVEAL - PRINT TO EDGES - OVERALL SIZE: 37" X 49" - PRINT EDGES BLACK - CANVAS 1 - FRAME: TBD THIS IMAGE CANNOT BE CROPPED
1724	1	ART - TYLER KETTON ROBBINS - BEAN TO BREW - PART 2	SB	GC	WRAPPED CANVAS IN FLOAT FRAME - SIZE: 36" X 48" - 1/4" REVEAL - PRINT TO EDGES - OVERALL SIZE: 37" X 49" - PRINT EDGES BLACK - CANVAS 1 - FRAME: TBD THIS IMAGE CANNOT BE CROPPED
1725	1	ART - TYLER KETTON ROBBINS - BEAN TO BREW - PART 3	SB	GC	WRAPPED CANVAS IN FLOAT FRAME - SIZE: 36" X 48" - 1/4" REVEAL - PRINT TO EDGES - OVERALL SIZE: 37" X 49" - PRINT EDGES BLACK - CANVAS 1 - FRAME: TBD THIS IMAGE CANNOT BE CROPPED
GRAPHICS - INTERIOR MENU					
12837	5	MENU BOARD - 1 FRONT PANEL INSERT	SB	GC	
12838	1	MENU BOARD - DAILY OFFERING CHALLENGE FRONT PANEL, RECTANGULAR	SB	GC	
12839	6	MENU BOARD - UNIVERSAL MOUNTING HARDWARE FOR FRONT PANELS	SB	GC	

SHEET NOTES

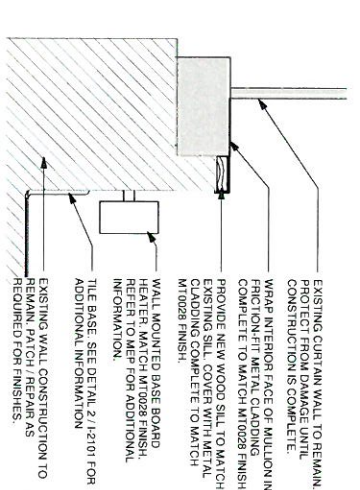
- 1 NEW AND INTERIOR SIDE OF EXISTING MULLIONS TO BE CAD WITH METAL M10028 FINISH.
- 2 REFER TO MEP DRAWINGS(S) FOR ADDITIONAL INFORMATION.
- 3 58" GYP BOARD ON WTL STUD INFILL BETWEEN JAMBS AND/OR WALL AS INDICATED TO EXISTING DECK. PAINT BLACK. REFER TO 101/2108
- 4 INSTALL GYP BOARD ON EXISTING WALL CONSTRUCTION. PROVIDE ADDITION WTL FRAMING AS REQUIRED TO ALIGN WITH FTO ADVJCENT GYP BOARD INDICATED ON SHEET FOR PAINT AND WALL TREATMENT SCHEDULES. REFER TO PAINT BLACK.

INTERIOR ELEVATION NOTES

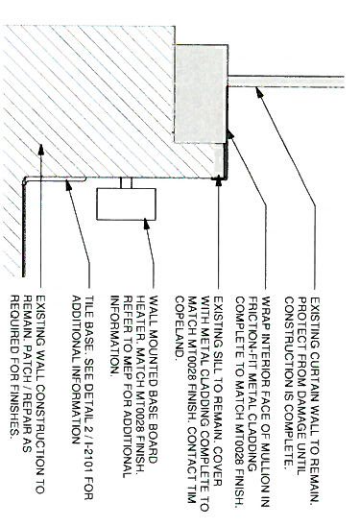
- A REFER TO ARTWORK PROVIDER'S INSTRUCTIONS SHIPPED REQUIRMENTS FOR INSTALLATION AND SPACING.
- B CHANGE OF PAINT COLOR ALLOWED ONLY AT INSIDE CORNERS, UNLESS OTHERWISE NOTED.
- C NATIONAL SHERWIN-WILLIAMS ACCOUNT COLOR CODE WHEN ORDERING PAINTS.
- D FOR PAINT AND WALL TREATMENT SCHEDULES. REFER TO WALL FINISH PLAN.
- E SEE ENLARGED RESTROOM PLAN DETAILS FOR ACCESSORY MOUNTING HEIGHTS.



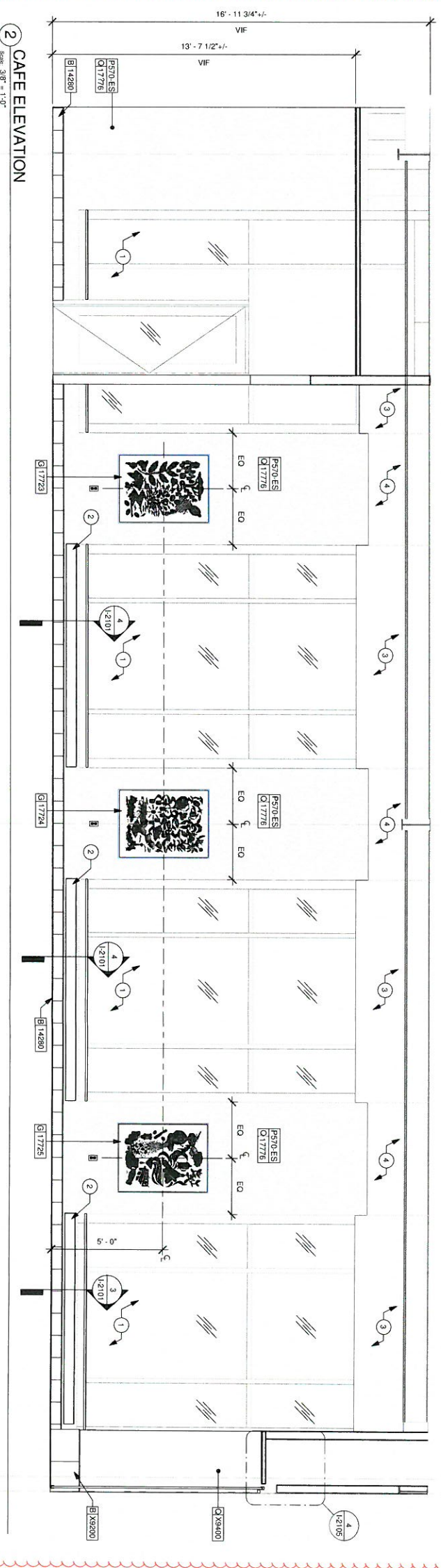
1 STOREFRONT INTERIOR ELEVATION
Scale: 3/8" = 1'-0"



3 Detail 3
Scale: 1 1/2" = 1'-0"



4 Detail 1
Scale: 1 1/2" = 1'-0"

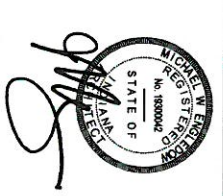


2 CAFE ELEVATION
Scale: 3/8" = 1'-0"

Date: 1.22.2018
 and DESIGN Project Number: 16206
 Client Project Number: 76032-001
 Drawn By: DB
 Drawing Title: INTERIOR ELEVATIONS
 Drawing Number: I-2101

100% CONSTRUCTION DOCUMENTS

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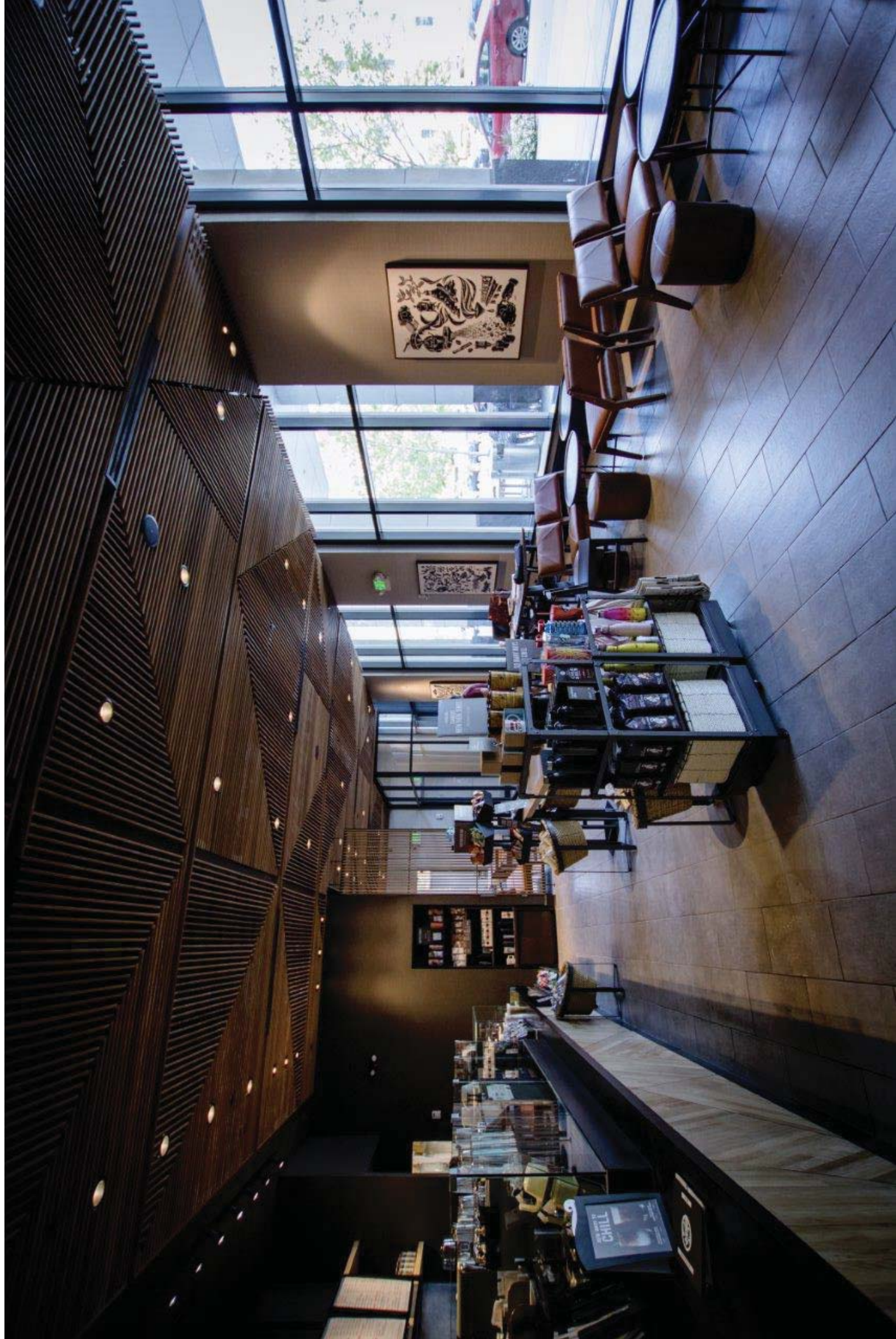


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Exhibit B







service conductors, and the *NEC* would apply to the service drop.

Exact locations for a service point may vary from utility to utility, as well as from occupancy to occupancy.

Short-Circuit Current Rating. The prospective symmetrical fault current at a nominal voltage to which an apparatus or system is able to be connected without sustaining damage exceeding defined acceptance criteria.

Show Window. Any window used or designed to be used for the display of goods or advertising material, whether it is fully or partly enclosed or entirely open at the rear and whether or not it has a platform raised higher than the street floor level.

See 220.14(G), 220.43(A), and Exhibit 220.1 for show-window lighting load requirements.

Signaling Circuit. Any electrical circuit that energizes signaling equipment.

Solar Photovoltaic System. The total components and subsystems that, in combination, convert solar energy into electric energy suitable for connection to a utilization load.

See Article 690 for solar photovoltaic system requirements.

Special Permission. The written consent of the authority having jurisdiction.

The authority having jurisdiction for enforcement of the *Code* is responsible for making interpretations and granting special permission contemplated in a number of the rules, as stated in 90.4. For specific examples of special permission, see 110.26(A)(1)(b), 230.2(B), and 426.14.

Structure. That which is built or constructed.

The definition of *structure* allows architects, electrical engineers, general contractors, electrical contractors, and all building officials to use the same definition.

Supplementary Overcurrent Protective Device. A device intended to provide limited overcurrent protection for specific applications and utilization equipment such as luminaires and appliances. This limited protection is in addition to the protection provided in the required branch circuit by the branch circuit overcurrent protective device.

There are two levels of overcurrent protection within branch circuits: branch-circuit overcurrent protection and supplementary overcurrent protection. The devices used to provide overcurrent protection are different, and the differences are found in the product standards UL 489, *Molded-Case Circuit Breakers, Molded-Case Switches and Circuit-Breaker Enclosures*, and UL 1077, *Supplementary Protectors for Use in Electrical Equipment*.

Provided as a generalization for understanding, the *NEC* requires that all branch circuits use only branch-circuit “rated” overcurrent protective devices to protect branch circuits, but it permits supplementary overcurrent protection devices for limited use downstream of the branch-circuit “rated” overcurrent protective device.

The definition of *supplementary overcurrent protection device* contains two important distinctions between supplementary overcurrent protection devices and branch-circuit overcurrent protective devices. First, the use of a supplementary device is specifically limited to a few applications. Second, where it is used, the supplementary device must be in addition to and be protected by the more robust branch-circuit overcurrent protective device.

Surge Arrester. A protective device for limiting surge voltages by discharging or bypassing surge current; it also prevents continued flow of follow current while remaining capable of repeating these functions.

This definition was relocated from 280.2 to Article 100 for the 2008 *Code*. For further information on surge arresters, see Article 280.

Surge-Protective Device (SPD). A protective device for limiting transient voltages by diverting or limiting surge current; it also prevents continued flow of follow current while remaining capable of repeating these functions and is designated as follows:

Type 1: Permanently connected SPDs intended for installation between the secondary of the service transformer and the line side of the service disconnect overcurrent device.

Type 2: Permanently connected SPDs intended for installation on the load side of the service disconnect overcurrent device, including SPDs located at the branch panel.

Type 3: Point of utilization SPDs.

Type 4: Component SPDs, including discrete components, as well as assemblies.

This definition is new for the 2008 *Code*. UL has changed the listing categories for transient voltage surge suppressors

outlet adjacent to the basin location, in accordance with 210.8(B)(1).

Extended-stay hotels and motels are often equipped with permanent provisions for cooking and countertop areas. All applicable receptacle spacing and supply requirements in 210.52 apply to guest rooms or suites that contain such provisions. A portable microwave oven is not considered to be a permanently installed cooking appliance. See 210.18 and its associated commentary for more information regarding hotel and motel guest rooms and guest suites that are equipped with permanent provisions for cooking.

Exhibit 210.29 shows receptacle outlets in a hotel guest room located conveniently with respect to the permanent furniture layout. Some spaces that are 2 ft or more in width have no receptacle outlets because 210.60(B) permits the required number of outlets to be placed in convenient locations that are compatible with the permanent furniture layout. In Exhibit 210.29, the receptacle outlet adjacent to the permanent dresser is needed because 210.60(B) applies only to the location of receptacle outlets, not to the minimum number of receptacle outlets.

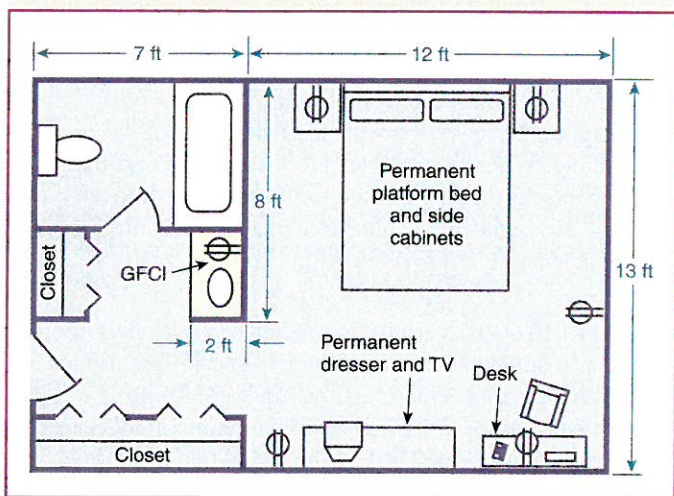


Exhibit 210.29 Floor plan of a hotel guest room with receptacles located as permitted by 210.60(B) with respect to permanent furniture.

210.62 Show Windows

At least one receptacle outlet shall be installed within 450 mm (18 in.) of the top of a show window for each 3.7 linear m (12 linear ft) or major fraction thereof of show window area measured horizontally at its maximum width.

Show windows usually extend from floor to ceiling for maximum display. To discourage floor receptacles and unsightly extension cords likely to cause physical injury, receptacles must be installed directly above a show window, and

one receptacle is required for every 12 linear ft or “major fraction thereof” (6 ft or more). See 220.14(G) and 220.43(A) for information regarding load computations for show windows. To further reduce the use of extension cords, the required receptacle outlet(s) now must be installed within 18 in. of the top of the show window.

210.63 Heating, Air-Conditioning, and Refrigeration Equipment Outlet

A 125-volt, single-phase, 15- or 20-ampere-rated receptacle outlet shall be installed at an accessible location for the servicing of heating, air-conditioning, and refrigeration equipment. The receptacle shall be located on the same level and within 7.5 m (25 ft) of the heating, air-conditioning, and refrigeration equipment. The receptacle outlet shall not be connected to the load side of the equipment disconnecting means.

Section 210.63 is intended to prevent makeshift methods of obtaining 125-volt power for servicing and troubleshooting heating, air-conditioning, and refrigeration (HACR) equipment. The reference to 210.8 in the fine print note to 210.63 reminds the *Code* user of the GFCI requirements for these receptacle outlets. The requirements in 210.52(E) for outdoor dwelling unit receptacles located within 25 ft of HACR equipment meet the requirements of 210.63.

The requirements of 210.63 were expanded in the 2002 *Code* to improve worker safety. As a result, a receptacle outlet is required for troubleshooting HACR equipment at grade-accessible outdoor equipment and at rooftop units associated with one- and two-family dwelling units. An exception added in the 2005 *Code* exempts evaporative coolers (commonly referred to as “swamp coolers”) from the receptacle requirement where the cooler is installed at a one- or two-family dwelling. It should be noted that although this type of cooling equipment is exempt from 210.63, one- and two-family dwellings are required to have outdoor receptacle outlets at the front and the back of the structure in accordance with 210.52(E).

Exception: A receptacle outlet shall not be required at one- and two-family dwellings for the service of evaporative coolers.

FPN: See 210.8 for ground-fault circuit-interrupter requirements.

210.70 Lighting Outlets Required

Lighting outlets shall be installed where specified in 210.70(A), (B), and (C).

(A) Dwelling Units. In dwelling units, lighting outlets shall be installed in accordance with 210.70(A)(1), (A)(2), and (A)(3).

Table 220.3 Additional Load Calculation References

Calculation	Article	Section (or Part)
Air-conditioning and refrigerating equipment, branch-circuit conductor sizing	440	Part IV
Cranes and hoists, rating and size of conductors	610	610.14
Electric welders, ampacity calculations	630	630.11, 630.31
Electrically driven or controlled irrigation machines	675	675.7(A), 675.22(A)
Electrified truck parking space	626	
Electrolytic cell lines	668	668.3(C)
Electroplating, branch-circuit conductor sizing	669	669.5
Elevator feeder demand factors	620	620.14
Fire pumps, voltage drop (mandatory calculation)	695	695.7
Fixed electric heating equipment for pipelines and vessels, branch-circuit sizing	427	427.4
Fixed electric space-heating equipment, branch-circuit sizing	424	424.3
Fixed outdoor electric deicing and snow-melting equipment, branch-circuit sizing	426	426.4
Industrial machinery, supply conductor sizing	670	670.4(A)
Marinas and boatyards, feeder and service load calculations	555	555.12
Mobile homes, manufactured homes, and mobile home parks, total load for determining power supply	550	550.18(B)
Mobile homes, manufactured homes, and mobile home parks, allowable demand factors for park electrical wiring systems	550	550.31
Motion picture and television studios and similar locations – sizing of feeder conductors for television studio sets	530	530.19
Motors, feeder demand factor	430	430.26
Motors, multimotor and combination-load equipment	430	430.25
Motors, several motors or a motor(s) and other load(s)	430	430.24
Over 600-volt branch-circuit calculations	210	210.19(B)
Over 600-volt feeder calculations	215	215.2(B)
Phase converters, conductors	455	455.6
Recreational vehicle parks, basis of calculations	551	551.73(A)
Sensitive electrical equipment, voltage drop (mandatory calculation)	647	647.4(D)
Solar photovoltaic systems, circuit sizing and current	690	690.8
Storage-type water heaters	422	422.11(E)
Theaters, stage switchboard feeders	520	520.27

(B) Electric Dryers and Household Electric Cooking Appliances. Load calculations shall be permitted as specified in 220.54 for electric dryers and in 220.55 for electric ranges and other cooking appliances.

(C) Motor Loads. Outlets for motor loads shall be calculated in accordance with the requirements in 430.22, 430.24, and 440.6.

(D) Luminaires. An outlet supplying luminaire(s) shall be calculated based on the maximum volt-ampere rating of the equipment and lamps for which the luminaire(s) is rated.

In general, no additional calculation is required for luminaires (recessed and surface mounted) installed in or on a dwelling unit, because the load of such luminaires is covered in the 3 volt-amperes per square foot calculation specified by Table 220.12. Where the rating of the luminaires installed for general lighting exceeds the minimum load provided for in Table 220.12, the minimum general lighting load for that premises must be based on the installed luminaires. Distinguishing between the luminaires installed for general lighting versus those installed for accent, specialty, or display

lighting is much easier to delineate in commercial (particularly mercantile) occupancies.

(E) Heavy-Duty Lampholders. Outlets for heavy-duty lampholders shall be calculated at a minimum of 600 volt-amperes.

(F) Sign and Outline Lighting. Sign and outline lighting outlets shall be calculated at a minimum of 1200 volt-amperes for each required branch circuit specified in 600.5(A).

Section 220.14(F) assigns 1200 volt-amperes as a minimum circuit load for the signs and outline lighting outlets required by 600.5(A). If the specific load is known to be larger, then, according to 220.14, the actual load is used for calculation purposes.

(G) Show Windows. Show windows shall be calculated in accordance with either of the following:

- (1) The unit load per outlet as required in other provisions of this section

Table 220.12 General Lighting Loads by Occupancy

Type of Occupancy	Unit Load	
	Volt-Amperes per Square Meter	Volt-Amperes per Square Foot
Armories and auditoriums	11	1
Banks	39 ^b	3½ ^b
Barber shops and beauty parlors	33	3
Churches	11	1
Clubs	22	2
Court rooms	22	2
Dwelling units ^a	33	3
Garages — commercial (storage)	6	½
Hospitals	22	2
Hotels and motels, including apartment houses without provision for cooking by tenants ^a	22	2
Industrial commercial (loft) buildings	22	2
Lodge rooms	17	1½
Office buildings	39 ^b	3½ ^b
Restaurants	22	2
Schools	33	3
Stores	33	3
Warehouses (storage)	3	¼
In any of the preceding occupancies except one-family dwellings and individual dwelling units of two-family and multifamily dwellings:		
Assembly halls and auditoriums	11	1
Halls, corridors, closets, stairways	6	½
Storage spaces	3	¼

^aSee 220.14(J).^bSee 220.14(K).

(2) At 200 volt-amperes per 300 mm (1 ft) of show window

The following two options are permitted for the load calculations for branch circuits serving show windows:

- 180 volt-amperes per receptacle according to 210.62, which requires one receptacle per 12 linear ft
- 200 volt-amperes per linear foot of show-window space

As shown in Exhibit 220.1, the linear-foot calculation method is permitted in lieu of the specified unit load per outlet for branch circuits serving show windows.

(H) Fixed Multioutlet Assemblies. Fixed multioutlet assemblies used in other than dwelling units or the guest rooms

Example of typical show window

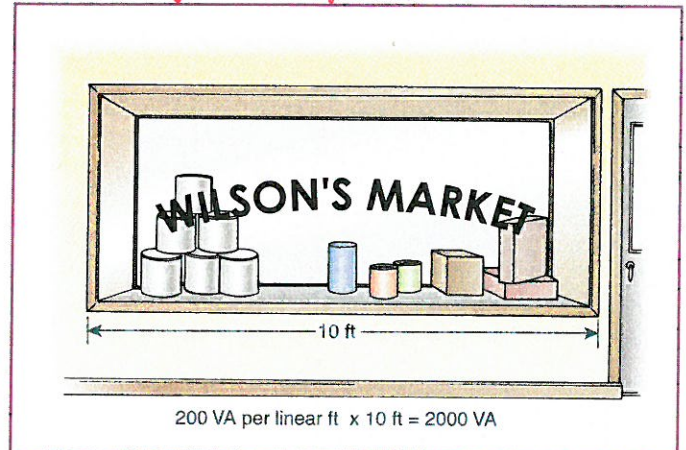


Exhibit 220.1 An example of the linear-foot load calculation for branch circuits serving a show window.

or guest suites of hotels or motels shall be calculated in accordance with (H)(1) or (H)(2). For the purposes of this section, the calculation shall be permitted to be based on the portion that contains receptacle outlets.

- (1) Where appliances are unlikely to be used simultaneously, each 1.5 m (5 ft) or fraction thereof of each separate and continuous length shall be considered as one outlet of not less than 180 volt-amperes.
- (2) Where appliances are likely to be used simultaneously, each 300 mm (1 ft) or fraction thereof shall be considered as an outlet of not less than 180 volt-amperes.

Fixed multioutlet assemblies are commonly used in commercial and industrial locations. The use of multioutlet assemblies is divided into two broad areas. The first area of use is light use, which means that not all the cord-connected equipment is expected to be used at the same time, as noted in 220.14(H)(1). An example of light use is a workbench area where one worker uses one electrical tool at a time. The second area of use is heavy use, which is characterized by all the cord-connected equipment generally operating at the same time, as noted in 220.14(H)(2). An example of heavy use is a retail outlet displaying television sets, where most, if not all, sets are operating simultaneously.

As shown in Exhibit 220.2, the requirement of 220.14(H)(1) states that each 5 ft of a fixed multioutlet assembly must be considered as one outlet rated 180 volt-amperes. The requirement of 220.14(H)(2) states that where appliances are likely to be used simultaneously, each foot of multioutlet assembly is to be considered as one outlet rated 180 volt-amperes.

(I) Receptacle Outlets. Except as covered in 220.14(J) and (K), receptacle outlets shall be calculated at not less than

Exhibit D

Carrie Ballinger

From: Burgess, Craig <CBurgess@dhs.IN.gov>
Sent: Thursday, August 09, 2018 1:38 PM
To: Carrie Ballinger
Cc: Burgess, Craig
Subject: RE: Question of applicability - NEC "Show Windows"

Correct, at least in most cases, this one included. We'd be chasing our tails forever if we tried to predict future uses for everything and base all enforcement on them. All we can deal with is what's in front of us now. I wouldn't go so far as to say that's an absolute universal, but it applies to this at least.

The requirement isn't for power at all shop windows, it's for power at all display windows. The definition makes it clear (no pun intended) that a window is determined to be a display window by its use, not by its location or size, and its use is purely in the hands of the current tenant. If they choose to display things, it's a display window. If they choose not to, it's not. At this point in time it's immaterial whether a future tenant may change that. If it changes in time, whether by this tenant or a future tenant, it will be dealt with at that time.

I wouldn't be the least bit surprised if there are code requirements similar to this, where the size and location of a building element drive its mandated design and features, and where current use isn't a consideration, but this isn't one of them.

Craig E. Burgess AIA NCARB CPE CBI LEED AP
Indiana State Building Commissioner
Indiana Department of Homeland Security
Office of the State Fire Marshal
302 W Washington St., Room E241
Indianapolis, IN 46204-2739
317.232.1400
cburgess@dhs.in.gov

From: Carrie Ballinger [mailto:ballinger@rtmconsultants.com]
Sent: Thursday, August 9, 2018 1:21 PM
To: Burgess, Craig <CBurgess@dhs.IN.gov>
Subject: RE: Question of applicability - NEC "Show Windows"

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Craig,

Thank you for your response. Would you agree that we should only apply the code to the current tenant's proposed use and not based upon what a future tenant may wish to do? Future tenant buildout would be submitted at such later date and would have to comply at that time, correct?

Thanks,

Carrie Ballinger
RTM Consultants, Inc.

6640 Parkdale Place, Suite J
Indianapolis, IN 46254

Tel. (317) 329-7700 x110
Fax. (317) 329-8411

From: Burgess, Craig <CBurgess@dhs.IN.gov>
Sent: Thursday, August 09, 2018 12:24 PM
To: Carrie Ballinger <ballinger@rtmconsultants.com>
Cc: Burgess, Craig <CBurgess@dhs.IN.gov>
Subject: RE: Question of applicability - NEC "Show Windows"

Sorry for the delay, Carrie. I'm buried with requests right now.

The NEC actually defines "show window," and according to them it's a window "used or designed to be used for the display of goods or advertising material." If all they're doing is putting tables and chairs in the windows, I don't believe that would constitute the display of goods or advertising materials.

Since I don't believe the intent of the code is to provide power to non-powered signs, bills and all the other paper ad media you often see in shop windows, the bottom line for me is this: if they never plan to put advertising materials that require power in those windows, and they never plan to use any part of the windows to place any kind of product display, then they aren't "show windows" and aren't subject to 210.62. If they do plan to do any of those things, they're show windows and have to comply.

Craig E. Burgess AIA NCARB CPE CBI LEED AP
Indiana State Building Commissioner
Indiana Department of Homeland Security
Office of the State Fire Marshal
302 W Washington St., Room E241
Indianapolis, IN 46204-2739
317.232.1400
cburgess@dhs.in.gov

From: Carrie Ballinger [<mailto:ballinger@rtmconsultants.com>]
Sent: Thursday, August 9, 2018 11:45 AM
To: Burgess, Craig <CBurgess@dhs.IN.gov>
Subject: RE: Question of applicability - NEC "Show Windows"
Importance: High

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Craig,

Any thoughts on my email below? If you need site specifics - this is for new Starbucks in Simon Tower at 10 S Capitol. They apparently have their grand opening scheduled for Monday and need to resolve violation the inspector has now posted. We don't believe this is a violation and would appreciate your input to send to the inspector to avoid a long drawn out process on such an issue as this.

Thank you,

Carrie Ballinger
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254

Tel. (317) 329-7700 x110
Fax. (317) 329-8411

From: Carrie Ballinger
Sent: Friday, August 03, 2018 9:41 AM
To: 'CBurgess@dhs.IN.gov' <CBurgess@dhs.IN.gov>
Subject: Question of applicability - NEC "Show Windows"

Craig,

We have a client working on a downtown tower, 1st floor tenant space with storefront windows. The tenant is a coffee shop with seating along the windows. A question came up with the inspector wanting to apply the requirement in NEC 210.62 for "show windows" to have outlets above the windows (see below code section and definition). I don't think it is the intent for the windows in this case to be "show windows." When I think show windows, I think of retail spaces where displays are created to draw people into the store. The windows of a coffee shop along a seating area are just windows. They will not be displaying goods or advertising materials in these windows, they are just tall windows along the seating area. It is my interpretation that they do not have to add outlets per NEC 210.62. Would you agree? If not, then we have a lot of windows out of compliance all over the City.

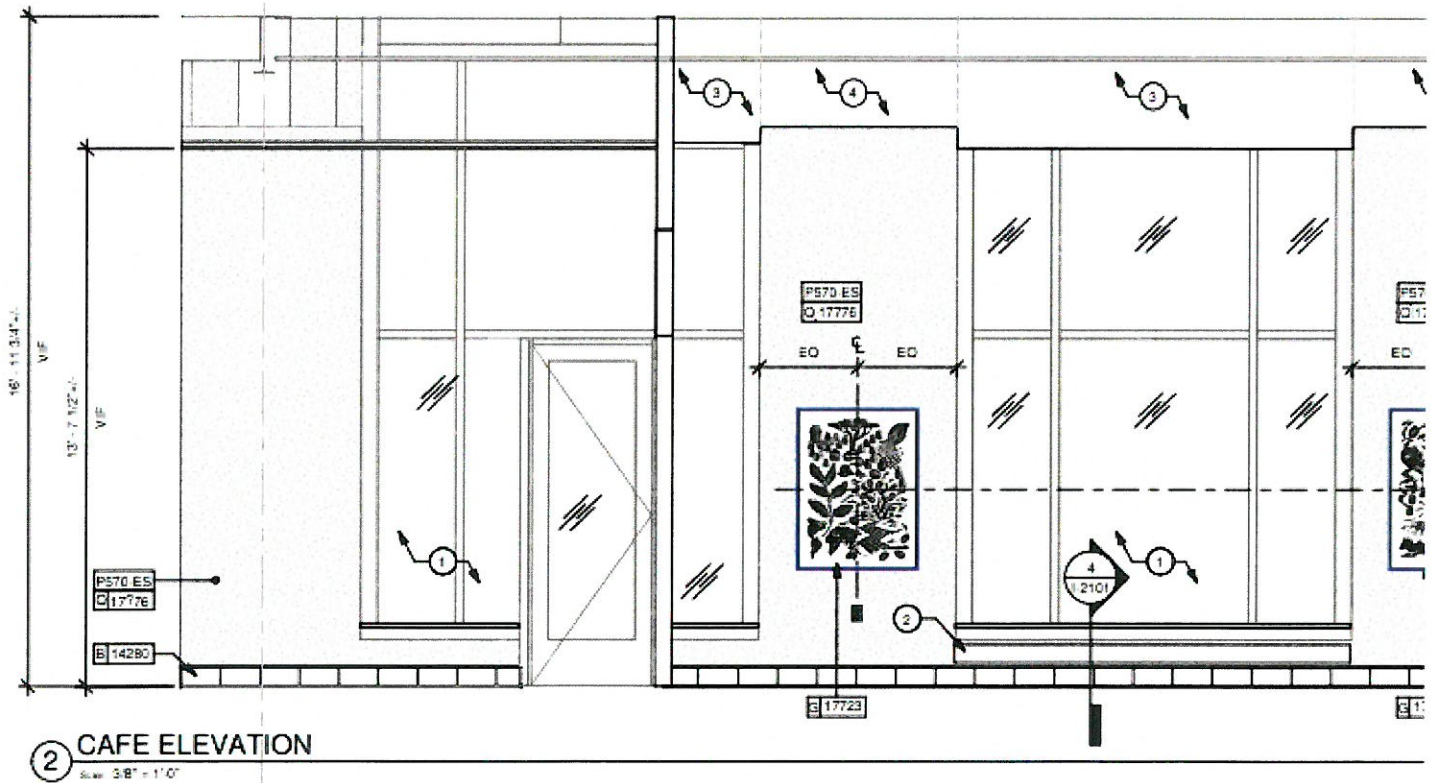
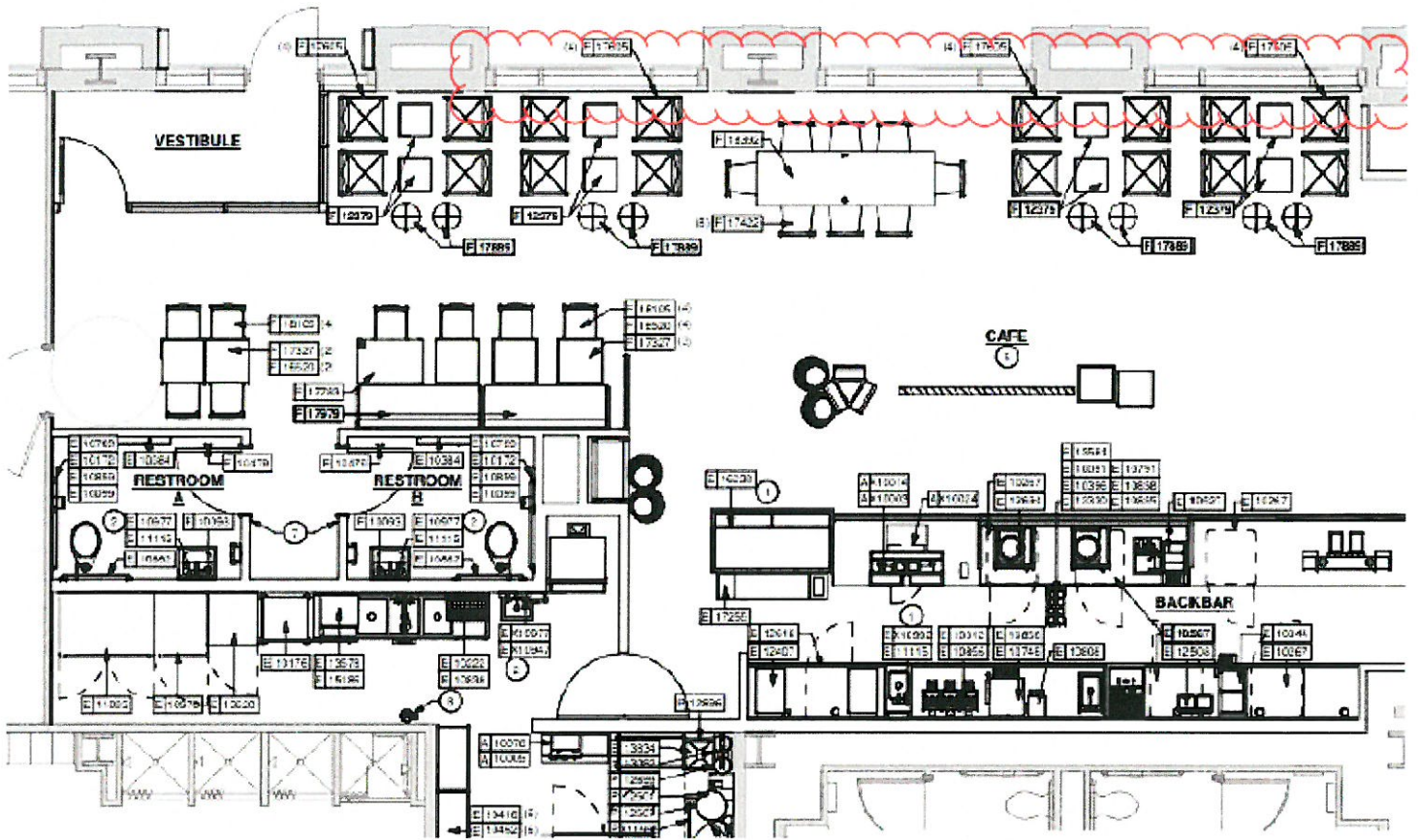
Below are the furniture layout and interior elevation plans that were submitted under the permit. I don't see any indications of proposed use as show windows. The inspector has also suggested that even if this tenant doesn't plan to use them as show windows, a future tenant might and so they need to provide the outlets. I am suggesting they are not required to plan for future tenants, but if a future tenant decides they want to provide show windows in this space, then at that time they would have to comply with the requirements for show windows. (Though I think it is highly unlikely that with this particular layout and location that these will ever be actual show windows – displays would take up too much floor space.) We can't plan for all possible uses in the future, we have to apply the code to the current use. Would you also agree that we need only apply codes applicable to the currently proposed use?

We would appreciate your input and timely response. They are planning to occupy within the next few weeks.

210.62 Show Windows

At least one receptacle outlet shall be installed within 450 mm (18 in.) of the top of a show window for each 3.7 linear m (12 linear ft) or major fraction thereof of show window area measured horizontally at its maximum width.

Show Window. Any window used or designed to be used for the display of goods or advertising material, whether it is fully or partly enclosed or entirely open at the rear and whether or not it has a platform raised higher than the street floor level.



Carrie Ballinger
 RTM Consultants, Inc.
 6640 Parkdale Place, Suite J
 Indianapolis, IN 46254



RTM CONSULTANTS, INC.
6640 Parkdale Place, Suite J
INDIANAPOLIS, IN 46254-4698

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
c/o Chairman
302 W. Washington Street, Room W246
Indianapolis, Indiana 46204

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