

**Cause No.: 00-93L**  
**Name: 5420 West Morris Street**  
**Administrative Law Judge: William K. Teeguarden**  
**Date: August 3, 2004**  
**Commission Action: Affirmed**

### **DISCUSSION**

In late 2000, the Wayne Township Fire Department issued an order to the property owner citing a violation of the 1973 UBC. The Building was constructed in 1975 and is a B-2 occupancy. The order involved the need for a second exit from the second floor. The parties submitted summary judgment briefs and subsequently, a lengthy and unexpected illness to the administrative law judge resulted in no further action being taken. Upon rediscovering the file, the administrative law judge concludes that despite a possible violation of the 1973 code, the Building Owner is entitled to judgment. In 1984, the Legislature passed P.L. 8-1984, a lengthy Public Act which, among other things, created the Department of Fire and Building Services and the Commission. Section 130(a) of the Act provided that "Any rule filed before July 1, 1984, may not be enforced after June 30, 1986." Therefore, enforcement actions involving the 1973 UBC taken in 2000 and 2001 can not be enforced.<sup>1</sup>

### **NONFINAL ORDER**

The Order issued November 13, 2000, to the Building at 5420 W. Morris Street, Indianapolis, Indiana by the Wayne Township Fire Department is not enforceable and thus is vacated.

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<sup>1</sup> Not capable of being enforced is not the same as saying there is no violation. It just means that the SBC and LBO cannot compel a correction.